



# Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twentieth Meeting Day

Tuesday Afternoon

February 21, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Timothy W. Harris.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern ☐
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 218: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 73, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

DUNCAN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, strike "compensatory".

(Reference is to SB 105 as reprinted January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DAVIS, Vice Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. "Chemical test" means an analysis of a person's blood, breath, urine, or other bodily substance for the determination of the presence of alcohol, a controlled substance **or its metabolite**, or a drug **or its metabolite**.

SECTION 2. IC 9-26-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.**

SECTION 3. IC 9-30-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter or IC 14-15-8, the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the

suspension of the person's driving privileges for the fixed period of time specified under this section.

(b) If the court finds that the person:

- (1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or
- (2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. **If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.**

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months."

Page 1, between lines 11 and 12, begin a new paragraph and insert:  
"SECTION 5. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.
- (2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.
- (3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.
- (4) Disclosing to the prosecuting attorney or the deputy

prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.

(5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.

(6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

(1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

~~(B) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.~~

~~(C) (B) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.~~

~~(D) (C) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.~~

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) A law enforcement officer may transport the person to a place ~~other than a hospital~~ where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5).

(5) An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).

(6) A paramedic (as defined in IC 16-18-2-266).

**(7) A certified phlebotomist.**

SECTION 6. IC 9-30-6-9, AS AMENDED BY P.L.153-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

**(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or**

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter; whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise qualifies for a license.

(g) If the bureau receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person a probationary license and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 7. IC 9-30-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person who refuses to submit to a portable breath test or chemical test offered under this chapter commits a Class C infraction. **However, the person commits a Class A infraction if the person has at least one (1) previous conviction for operating while intoxicated.**

(b) In addition to any other penalty imposed, the court ~~may~~ shall suspend the person's driving privileges: ~~for a period of not more than~~

**(1) for one (1) year; or**

**(2) if the person has at least one (1) previous conviction for operating while intoxicated, for two (2) years.**

SECTION 8. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If a court orders the installation of a certified ignition interlock device under IC 9-30-5 on a motor vehicle that a person whose license is restricted owns or expects to operate, **except as provided in subsection (b),** the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the

cost of installation.

**(b) If the court orders installation of a certified ignition interlock device under IC 9-30-5-10(d), the installation must remain in effect for a period of six (6) months."**

Page 1, line 16, delete "[EFFECTIVE JULY 1, 2005]:" and insert "[EFFECTIVE JULY 1, 2006]:".

Renumber all SECTIONS consecutively.

(Reference is to SB 145 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DAVIS, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 191, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DAVIS, Vice Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-17-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 9.5. The:**

- (1) members of the authority;
- (2) officers and employees of the authority; and
- (3) executive director;

**executing bonds, leases, obligations, or other agreements under this chapter are not subject to personal liability or accountability by reason of any act authorized by this chapter.**

SECTION 2. IC 5-1-17-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 18.5. This section applies to bids received with respect to a capital improvement under this chapter:**

- (1) that is constructed by, for, or on behalf of the authority; and
- (2) for which only one (1) bid was received from a responsible bidder.

**(b) The board may attempt to negotiate a more advantageous proposal and contract with the bidder, or any other responsible contractor, if the board determines that rebidding:**

- (1) is not practicable or advantageous; or
- (2) would adversely affect the construction schedule or budget of the project.

SECTION 3. IC 34-30-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 25, 2006 (RETROACTIVE)]: **Sec. 8.5. IC 5-1-17-9.5 (Concerning members, officers, employees, and the executive director of the Indiana stadium and convention building authority for acts authorized by law).**"

Page 2, after line 20, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 259 as printed January 11, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

ESPICH, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "examinations." and insert "**examination.**"

Page 3, line 34, reset in roman "who".

Page 6, line 34, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 3,".

Page 6, line 35, delete "SECTION 42,".

Page 6, line 41, delete "section" and insert "sections".

Page 6, line 41, after "10" insert "and 11".

Page 7, line 4, delete "section" and insert "sections".

Page 7, line 4, after "10" insert "and 11".

Page 7, line 9, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 4,".

Page 7, line 10, delete "SECTION 43,".

Page 7, line 17, delete "section" and insert "sections".

Page 7, line 17, after "10" insert "and 11".

Page 7, line 39, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 6,".

Page 7, line 40, delete "SECTION 45,".

Page 8, line 4, delete "section" and insert "sections".

Page 8, line 4, after "10" insert "and 11".

Page 8, line 9, after "(b)" delete "," and insert "and section 11 of this chapter,".

Page 8, line 31, delete "After" and insert "**After**".

Page 8, line 35, strike "(a) The fee for a four (4) year operator's license".

Page 8, strike lines 36 through 37.

Page 8, line 38, strike "(b) After December 31, 2005,".

Page 8, line 38, delete "the" and insert "**(a) The**".

Page 9, line 1, delete "(c)" and insert "**(b)**".

Page 9, line 2, after "under" insert "**IC**".

Page 9, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 16. IC 9-29-9-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.**"

Page 10, after line 34, begin a new paragraph and insert:

"SECTION 22. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

DAVIS, Vice Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "vehicles" insert ",".

Page 1, line 10, strike "or an insurance company,".

Page 2, line 5, strike "must" and insert "**shall**".

Page 2, line 5, strike "any" and insert "**a**".

Page 2, line 5, after "that" insert "**the insurance company has determined is economically impractical to repair.**"

**(d) An owner described in subsection (a)(2) shall apply for a salvage title for any vehicle that".**

Page 2, line 9, strike "of" and insert "**specified in**".

Page 2, line 9, strike "(a)(1)." and insert "**(a)(2).**".

(Reference is to SB 339 as printed January 30, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Vice Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 33, reset in roman "(4) The".

Page 5, line 33, after "The" insert "**procedure for opening the bids, including the date,**".

Page 5, line 33, delete "time" and insert "time,".

Page 5, line 33, reset in roman "and place for opening the bids".

Page 5, line 34, delete "(5) (4)" and insert "(5)".

Page 5, line 38, delete "(6) (5)" and insert "(6)".

Page 5, line 41, delete "(6)" and insert "**(7)**".

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 5-22-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) An employee**

of the purchasing agency shall open bids publicly in the presence of one (1) or more witnesses at the time and place designated other employees of the purchasing agency according to the procedure stated in the invitation for bids as required by section 2(b)(4) of this chapter.

(b) Individuals other than employees of the purchasing agency may not be present at an opening of bids unless the bids are opened publicly."

Page 6, between lines 11 and 12, begin a new paragraph and insert: "SECTION 7. IC 5-22-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The purchasing agency shall maintain the following information:

- (1) The name of each bidder;
- (2) The amount of each bid;
- (3) Other information required by this article and rules adopted under this article;

prepare a bid register.

(b) The bid register must contain the following:

- (1) A copy of all documents that are included as part of the invitation for bids.
- (2) A list of all persons to whom copies of the invitation for bids were given.
- (3) A list of all bids received. The list of bids received must include the following information:
  - (A) The name and address of each bidder.
  - (B) The dollar amount of each bid.
  - (C) The name of the successful bidder and the dollar amount of that bidder's bid.
- (4) The basis on which the award was made.
- (5) Documentation of the purchasing agency's negotiating process with bidders. The documentation must include the following:

- (A) A log of the date and times of each meeting with a bidder. The log must include the identity of the bidder.
- (B) A description of the nature of all communications with each bidder.
- (C) Subject to subdivision (6), a copy of all written communications, including electronic communications, with each bidder.

(6) The entire contents of the contract file except for proprietary information included with a bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids.

(b) (c) The information described in subsection (a) bid register is subject to public inspection after each contract award."

Page 8, between lines 28 and 29, begin a new paragraph and insert: "SECTION 14. IC 5-22-14-3, AS AMENDED BY P.L.4-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A governmental body may adopt rules to implement this chapter. The Indiana department of administration shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The rules adopted by a governmental body must establish criteria for determining qualifications as a small business. In establishing criteria, the rules may use any standards established for determination of small business status that are used by an agency of the federal government. A governmental body may also receive assistance from the Indiana economic development corporation to establish criteria or to implement the rules.

(c) The rules adopted by a governmental body may consider the number of employees employed by an offeror and the dollar volume of the offeror's business. The rules must provide that when computing the size of an offeror, the annual sales and receipts of the offeror and all of its affiliates must be included.

(d) The rules adopted by a governmental body must include the following criteria:

- (1) A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed four million dollars (\$4,000,000).
- (2) A construction business is not a small business if its average annual receipts for the preceding three (3) fiscal years exceed four million dollars (\$4,000,000).

(3) A retail business or business selling services is not a small business if its annual sales and receipts exceed five hundred thousand dollars (\$500,000).

(4) A manufacturing business is not a small business if it employs more than one hundred (100) persons.

(5) A business in any of the following sectors is not a small business if it employs more than one hundred (100) persons or if its annual sales exceed five million dollars (\$5,000,000):

- (A) Information technology.
- (B) Life sciences.
- (C) Transportation.
- (D) Logistics."

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 374, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 5, nays 3.

DUNCAN, Chair

Report adopted.

#### ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 11, 55, 58, 69, 72, 85, 102, 106, 114, 146, 154, 168, 208, 232, 246, 277, 314, and 373.

#### RESOLUTIONS ON FIRST READING

##### House Concurrent Resolution 42

Representative T. Harris introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring Power Soccer of Indy.

*Whereas, Power Soccer of Indy began in the fall of 2003;*

*Whereas, Power soccer is a team sport for individuals with various disabilities usually played in a gymnasium or on a regulation basketball court;*

*Whereas, The game is played by two teams of four power chair users who attack, defend, and maneuver an oversized soccer ball;*

*Whereas, Power soccer has been in existence for over 17 years, but has just recently become popular locally;*

*Whereas, The United States, Canada, Japan, and Denmark currently have teams and tournaments;*

*Whereas, Power Soccer of Indy has helped to inspire people with disabilities and to allow them to again enjoy the thrill and joy of playing the game; and*

*Whereas, Power soccer allows the participants to display their skills, the speed and power of their chairs, and to play an organized sport totally independently: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the good work accomplished by Power Soccer of Indy and the benefits the players receive from their involvement with this organization and the sport.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Karen Russo.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Delph.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

### House Concurrent Resolution 43

Representative Koch introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION honoring Hoosiers for Higher Education and its outstanding volunteer membership for its support of Indiana University.

*Whereas, Hoosiers for Higher Education was established in 1991 as a grassroots organization that engages Indiana University students, parents, alumni, faculty, staff, and friends to advocate for legislative and policy issues important to Indiana University at both the state and federal levels;*

*Whereas, The 10,000 Hoosiers for Higher Education volunteer members are respected voices in their communities throughout Indiana and advocate for the benefits of public higher education;*

*Whereas, The Hoosiers for Higher Education program is nationally recognized as a leading higher education advocacy program;*

*Whereas, Students of Indiana University have the opportunity, through membership in Hoosiers for Higher Education, to learn about and participate in the democratic process via public discourse;*

*Whereas, This is the 15th year of the Hoosiers for Higher Education Annual State House Visit where members and advocates of Indiana University gather to meet with legislators and public officials to encourage their support for Indiana University and higher education;*

*Whereas, Sue Talbot, Kirk White, and Deborah Sibbitt have provided valuable service as directors of Hoosiers for Higher Education;*

*Whereas, Thirteen elected officials have been presented the Welsh-Bowen Distinguished Public Official Award at the Hoosiers for Higher Education Annual State House Visit proceedings, including U.S. Representative John Myers; State Representatives B. Patrick Bauer, Richard Bodiker, William Cochran, Sheila Klinker, Mark Kruzan, Vernon Smith, and Phil Warner, as well as State Senators Ron Altling, Robert Meeks, Kathy Smith-Andrew, and Vi Simpson; and*

*Whereas, The Hoosiers for Higher Education Annual State House Visit is the largest one-day rally of any higher education institution in the state, and over 4,000 Indiana University supporters have participated in this event: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Hoosiers for Higher Education on the 15th anniversary of its first State House Visit and commends the recipients of the Welsh-Bowen Distinguished Public Official Award for their leadership.

SECTION 2. That the Indiana General Assembly thanks the Hoosiers for Higher Education volunteers for taking an active and constructive part in the democratic process.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President and Trustees of Indiana University, the Indiana University Alumni Association, and Hoosiers for Higher Education.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Meeks and Simpson.

### House Concurrent Resolution 44

Representatives Austin, Bosma, Grubb, Mays, and Bottorff introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION honoring St. Vincent Health

and the Daughters of Charity as they celebrate 125 years of caring for the sick, poor, and vulnerable residents of the Hoosier state.

*Whereas, On April 26, 1881, four Daughters of Charity arrived in Indianapolis with \$34.77 in their pockets to start a hospital that would serve the health care needs of the community;*

*Whereas, From its humble beginning on Indianapolis' eastside, St. Vincent Indianapolis Hospital has grown into a health system of more than 16 hospitals across the state, making it one of the largest employers in Indiana;*

*Whereas, The health system continues to be guided by core values that reflect commitment to quality, compassion, and affordability in health care;*

*Whereas, More than 11,600 St. Vincent Health associates and physicians continue to reach out to the local communities they serve and carry out the mission set forth by the original four Daughters of Charity; and*

*Whereas, Generations of residents of Indiana have experienced the spirit of caring for 125 years: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the extraordinary contributions of St. Vincent Health and the Daughters of Charity to the residents of Indiana and commends them for 125 years of dedication to caring for the sick, particularly those who are poor and vulnerable, in body, mind, and spirit.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the leadership of St. Vincent Health.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lubber and Breaux.

### House Concurrent Resolution 45

Representative V. Smith introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION honoring David C. Lewis.

*Whereas, David C. Lewis was sworn in as the 34th Clerk of the Supreme Court, Court of Appeals, and Tax Court for the state of Indiana on November 24, 2003, making him only the second African-American man to hold this position and the fourth to be a statewide elected official;*

*Whereas, As the Clerk of the Courts, David C. Lewis is responsible for issuing the orders and opinions of those courts, collecting filing fees, certifying documents, processing appeal bonds, preserving the record of the appellate courts, and maintaining the records of the roll of attorneys;*

*Whereas, David C. Lewis graduated from Ball State University in 1996 with a Bachelor of Science degree in legal administration and received a Master of Public Affairs degree from Indiana University-Purdue University Indianapolis in 2004;*

*Whereas, David C. Lewis began his career as a Governor's Fellow for Governor Evan Bayh;*

*Whereas, Upon the conclusion of his fellowships, David C. Lewis worked for the Indiana Department of Commerce, was appointed by Lieutenant Governor Joseph E. Kernan as a special assistant for legislation, and returned to the Department of Commerce to serve as the deputy director of the Community Development Division, where he and his staff were responsible for managing the Neighborhood Assistance Program, the Community Development Action Grant Program, the Individual Development Account Program, and the Indiana Urban Enterprise Zone Program;*

*Whereas, In 2002, David C. Lewis joined the staff of U.S. Senator Evan Bayh, serving as his Regional Director for Central Indiana and serving as liaison to 26 counties within the central part of the state;*

*Whereas, David and his wife, Tralicia, are the proud parents of a daughter, Logan Elise; and*

*Whereas, It is fitting, indeed, that David C. Lewis be recognized for his many contributions to the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes David C. Lewis for his many accomplishments and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David C. Lewis and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Breau, S. Smith, Rogers, and Howard.

### House Concurrent Resolution 46

Representatives Kersey, Grubb, Tincher, Thomas, and Borders introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION recognizing the Networks Scholars Program at Indiana State University.

*Whereas, Networks Financial Institute provides four-year scholarships to students at Indiana State University who are pursuing a major or minor in the College of Business and who are interested in careers in the financial services industry;*

*Whereas, In order to be awarded a Networks Scholarship, a student must: be a full-time student at Indiana State University; have a high school cumulative grade point average (GPA) of 3.25 or higher; rank in the top one-third of the student's high school graduating class; achieve an SAT score of at least 1,000 out of 1,600; have demonstrated leadership success; maintain at least a 3.0 cumulative GPA and a 3.2 GPA in business courses at Indiana State; participate in at least one internship; engage with both faculty and executive mentors; participate in Networks Scholars Program activities and College of Business events; and participate in professional development opportunities;*

*Whereas, The Networks Scholars Program has five categories of development: faculty and corporate mentoring, career and educational planning, professional development, student leadership experiences, and networking and experiential learning;*

*Whereas, Each recipient of a Networks Scholarship receives a four-year, \$20,000 scholarship to be used toward tuition and fees, professional development training opportunities, a professional development account, a laptop computer, internship opportunities, and international travel experience;*

*Whereas, A Networks Scholars Program participant is given opportunities that will enhance academic potential, employability, and advancement through active involvement in curricular and extracurricular activities;*

*Whereas, These opportunities and activities provide each student with insights into business that are invaluable in pursuing and developing a successful career;*

*Whereas, Indiana State University faculty members are available to help each scholar understand campus resources and services, discuss various education and career opportunities, improve decision-making skills, and develop personal growth and achievement plans; and*

*Whereas, Networks Financial Institute at Indiana State University works tirelessly to prepare students for careers in the financial industry and to help prepare them for the real world experiences they will encounter while establishing a successful career: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Networks Scholars Program and Indiana State University for the help they provide to students interested in pursuing a degree from the College of Business and establishing a career in the financial services

industry.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana State University President Lloyd Benjamin.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Skinner.

### House Concurrent Resolution 47

Representative Koch introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION honoring We Care Indiana.

*Whereas, We Care Indiana, established in 2005, is a nonprofit organization created to help those who have been ravaged by natural disasters;*

*Whereas, We Care Indiana came into being because of a desire on the part of the people of Lawrence County, Indiana, to help the people of the Gulf Coast following the landfall of Hurricane Katrina;*

*Whereas, We Care Indiana created a web site with the goal of not only collecting donations for those in need but also serving as a central point of contact;*

*Whereas, We Care Indiana has adopted the people of Lawrence County, Mississippi, and is focusing on the needs of the children;*

*Whereas, The children of Lawrence County, Mississippi, have been through so much hardship in recent days and are bravely trying to move forward with their lives;*

*Whereas, We Care Indiana is helping these children as they return to school by donating supplies such as backpacks, pencils, loose-leaf paper, folders with prongs and pockets, colored pencils, calculators, ink pens, crayons, magic markers, and compasses; and*

*Whereas, We Care Indiana is an excellent example of the caring nature of Hoosiers, who are ready, willing, and able to extend a hand of friendship and compassion in time of need: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its admiration for the dedication of these wonderful Hoosiers and to encourage them and all Hoosiers to continue to help those in need.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jim and Dana Sowders, Kelly Cobb, Dennis Turner, and Bedford Mayor Joe Klumpp.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Steele.

### House Concurrent Resolution 48

Representatives Stevenson, C. Brown, V. Smith, and E. Harris introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION honoring the Gary RailCats.

*Whereas, In February 2001, the board of directors of the Northern League approved Northwest Sports Ventures, LLC, to own and operate an expansion team for the 2002 season in Gary, Indiana, and the Gary RailCats were born;*

*Whereas, The Northern League is an independent minor league baseball league in the Midwestern United States and the Canadian provinces of Manitoba and Alberta;*

*Whereas, In June 2001, a lease was signed between the city of Gary and Victory Sports Group for a 6,000 seat state-of-the-art stadium and ground was broken for construction to begin;*

*Whereas, In May 2002, the Gary RailCats played their first official Northern League game in Sioux Falls, South Dakota;*

*Whereas, On May 28, the RailCats experienced their first victory, a 9-4 win over the Schaumburg Flyers that began a six-game winning streak for the team;*

*Whereas, RailCats' manager Joe Calfapietra was named Northern League manager of the year after leading the club to 35 wins despite*

*playing all 90 games on the road;*

*Whereas, The team continued to improve and prosper, winning the Northern League championship in 2005; and*

*Whereas, The RailCats have continued to provide countless hours of enjoyment and relaxation for the citizens of northern Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the individual and economic contributions that the RailCats have made to the community of Gary and all of northern Indiana. We wish to thank them and to encourage them to continue "hitting it out of the park" for years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Gary RailCats management and Scott L. King, mayor of Gary, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers and S. Smith.

### **House Resolution 22**

Representatives Orentlicher, Day, Klinker, and Bardon introduced House Resolution 22:

A HOUSE RESOLUTION honoring the Immaculate Heart of Mary School as a recipient of the 2005 No Child Left Behind–Blue Ribbon School Award.

*Whereas, The Immaculate Heart of Mary School was among eight Indianapolis metropolitan-area schools that were selected as 2005 No Child Left Behind–Blue Ribbon schools;*

*Whereas, The No Child Left Behind–Blue Ribbon School program honors public and private K-12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement;*

*Whereas, To be named a No Child Left Behind–Blue Ribbon School, a school must meet one of two assessment criteria;*

*Whereas, Blue Ribbon schools must have either at least 40 percent of their students from disadvantaged backgrounds and dramatically improve student performance in accordance with state assessment systems or score in the top ten percent on state assessments;*

*Whereas, At least one-third of the schools submitted by each state must meet the criteria where 40 percent of the students come from disadvantaged backgrounds;*

*Whereas, The program allows both elementary and secondary schools to be recognized in the same year;*

*Whereas, It is even more difficult for private schools than public schools to earn this honor;*

*Whereas, Before a private school can be nominated for a No Child Left Behind–Blue Ribbon School award, the Council of American Private Schools must approve the selection;*

*Whereas, This year marks the first time the three Roman Catholic Archdioceses of Indianapolis schools, Immaculate Heart of Mary, St. Simon the Apostle, and St. Thomas Aquinas, have been selected; more than 90 percent of the students tested from each school passed the Indiana Statewide Testing for Educational Progress–Plus in 2003, the year used for review; and*

*Whereas, Blue Ribbon schools are examples of what the students and teachers can achieve working together toward one goal: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the teachers, students, and parents of Immaculate Heart of Mary for their outstanding accomplishment and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House shall transmit a copy of this resolution to Annette Jones, principal of Immaculate

Heart of Mary.

The resolution was read a first time and adopted by voice vote.

## **OTHER BUSINESS ON THE SPEAKER'S TABLE**

### **Reassignments**

The Speaker announced the reassignment of Engrossed Senate Bill 81 from the Committee on Public Safety and Homeland Security to the Committee on Public Policy and Veterans Affairs.

### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 21, 24, 38, and 40 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## **RESOLUTIONS ON FIRST READING**

### **Senate Concurrent Resolution 21**

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representatives Welch and Duncan:

A CONCURRENT RESOLUTION honoring the Indiana Main Street Program for 20 years of service to Indiana cities and towns.

*Whereas, The National Main Street Center was established by the National Trust for Historic Preservation in 1980. Since its inception, the Center has grown to be the largest full-service commercial district revitalization organization in the nation;*

*Whereas, Recognizing the crucial role the downtown business district plays in the overall image of a community, the Indiana General Assembly established the Indiana Main Street Program in 1985 to encourage the economic development, redevelopment, and improvement of downtown areas in Indiana cities and towns;*

*Whereas, Indiana Main Street is advised by the Indiana Main Street Council, a public/private advisory board appointed by Lieutenant Governor Becky Skillman;*

*Whereas, Rather than providing direct grants, Indiana Main Street emphasizes building local capacity and self-sufficiency through technical assistance and encourages local businesses, residents, and leaders to get involved in community projects;*

*Whereas, In order to address all of the needs of the community, Indiana Main Street utilizes the National Main Street Center's four-point approach to improving downtown areas: design, organization, promotion, and economic restructuring;*

*Whereas, The National Main Street revitalization project has proven to be one of the most successful economic development strategies in America. Research has shown that on a national average, for every dollar spent to operate a local Main Street program, approximately thirty-eight dollars has been reinvested in the community; and*

*Whereas, Numerous local communities throughout the State of Indiana have benefitted from the Indiana Main Street Program's services to revitalize downtown communities over the last twenty years: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly expresses sincere gratitude to the Indiana Main Street Program for its on-going efforts to renew downtown business districts throughout the state.

SECTION 2. That the Indiana General Assembly commends the Indiana Main Street Program and the Indiana Main Street Council, as well as all of the businesses and community members that have participated in local programs, for their efforts to improve community image.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Lieutenant Governor Becky



Skillman; Executive Director of Indiana Main Street, Ellen Harper; members of the Indiana Main Street Council, Steve Boyce, Amy Vaughan, Jon Smith, Mark Dollase, Amy MacDonell Shepard, Dr. James Segedy, Judy Gray, Mayor Don Stock, Todd Thackery, and Jim Grant; and former First Lady Judy O'Bannon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representative Koch:

A CONCURRENT RESOLUTION to memorialize and honor Paul Allen

*Whereas, Paul Allen, the son of John Thomas and Ola Bays Allen was born on March 2, 1921 in McCameron Township, Indiana. McCameron Township no longer exists, as it was incorporated into the Naval Surface Warfare Center (NSWC) Crane;*

*Whereas, As a 10<sup>th</sup> grade student, Paul Allen volunteered to rescue citizens in Madison and Vevay during the Ohio River Flood of 1937. Working with his father's construction/restoration company, he assisted in rebuilding significant numbers of neighborhoods in Jefferson and Ohio Counties once the floodwaters receded;*

*Whereas, Paul attended the township school and earned a diploma from Burns City High School in 1940. After graduating, Paul received an academic scholarship to Duke University where he studied mathematics and chemistry. At the conclusion of his freshman year, Paul Allen enlisted in the United States Army, where he was initially assigned to the 259<sup>th</sup> Field Artillery;*

*Whereas, Prior to the Normandy Invasion, Paul Allen was transferred to Company 'C,' Second Rangier Battalion because of his knowledge of large caliber naval weaponry. On D-Day, his company captured and rendered harmless naval weapons situated on Pointe du Hoc. After the campaign to liberate Paris and Northern France, Paul participated in Operation Market Garden, the Ardennes Campaign, and the Invasion of Northern Germany.*

*Whereas, For bravery in action, Paul received the following decorations: the Purple Heart, bestowed by General George Patton; the Legion of Honor; the Bronze Star; the Belgian Croix de Guerre; the French Croix de Guerre, bestowed by General Charles DeGaulle; and numerous campaign medals;*

*Whereas, Upon returning to the United States, Paul obtained employment in the United States Navy's civilian service from 1950 until his retirement in 1974. During this time, he was stationed at Indiana's NSWC Crane; Naval Headquarters in Washington, D.C.; Mechanicsburg, Pennsylvania; Norfolk, Virginia; and Charleston, South Carolina;*

*Whereas, Upon his retirement, Paul assumed the position of assistant superintendent for the North Lawrence Community School Corporation. During his tenure, Paul was involved in the construction of three elementary schools, the restoration of the Bedford, Fayetteville, and Dollens Schools, and the expansion of the Bedford-North Lawrence High School;*

*Whereas, In keeping with family tradition, Paul also supported the republican party by working as a fundraiser for the gubernatorial campaigns of both Dr. Otis R. Bowen and Robert Orr; and*

*Whereas, Paul Allen deserves recognition for his distinguished career of public service. Four days after open-heart surgery, Paul Allen passed away on July 19, 2004: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Paul Allen for his lifetime achievements. His service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to David Allen, Paul Allen's son.

The resolution was read a first time and adopted by voice vote. The

Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representatives Ayres and Kuzman:

A CONCURRENT RESOLUTION to honor and memorialize Colonel John Wheeler.

*Whereas, John Wheeler was born in Connecticut on February 6, 1825. After Mr. Wheeler married Ann C. Jones in 1846, families moved to Lake County in 1847;*

*Whereas, Mr. Wheeler was a farmer and teacher. After working with his father to level and lay out pipes and ditches to drain swamplands throughout Lake County, Mr. Wheeler was elected County Surveyor in 1853 and served for three years;*

*Whereas, For four years after his County Surveyor term, he partnered with Zerah F. Summers editing and publishing the local newspaper called the Crown Point Register;*

*Whereas, Using his own money and influence, Mr. Wheeler raised a company of one hundred men for the Union army in 1861. Becoming part of the Twentieth Regiment of Indiana Volunteers, his company chose him for its Captain. His friends and neighbors presented him the gift of an elegant sword while his regiment was on parade in Indianapolis; and*

*Whereas, After thoroughly performing the duties of a soldier, Captain Wheeler was commissioned Major of the Regiment on February 16, 1862, and earned a promotion to the rank of Colonel in March of 1863. Leading his troops in the summer of 1863, Colonel Wheeler fell on July 2<sup>nd</sup> in the slaughter of the terrible conflict at Gettysburg: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Colonel John Wheeler for his achievements. His exemplary service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Colonel Wheeler's Great-great-great-great-grandson, Boyd Cole, and Tom Hawes.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

### Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Klinker, T. Brown, and Micon:

A CONCURRENT RESOLUTION memorializing Robert A. Zell.

*Whereas, Robert A. "Rob" Zell was a lifelong resident of Tippecanoe County;*

*Whereas, Rob was married to Kimberly for eleven years and had four children: Brent, Robert II, Brittany Mathes, and Rachelle;*

*Whereas, Rob was a dedicated family man who worked hard to provide for his family;*

*Whereas, Although Rob worked only a few months for the Indiana Department of Transportation, he truly enjoyed his position as a maintenance worker at the Fowler Sub District;*

*Whereas, Throughout his life Rob enjoyed many hobbies, including mushroom hunting, deer hunting, and playing video games;*

*Whereas, Rob was killed on February 3, 2005, when he was hit by a car while cleaning up debris on the side of the road on the Wabash River bridge on Interstate 65 in Tippecanoe County;*

*Whereas, It is important to remember that maintaining Indiana's roadways is a dangerous job and that it is important for motorists to always be aware when workers are present; and,*

*Whereas, Rob will be remembered by his friends and family as a great man who was devoted to his family: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the service of Robert Zell to the State of Indiana and memorializes his life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Philip Zell, Kimberly Zell, and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:25 p.m. with the Speaker in the Chair.

Representative Mahern, who had been excused, was present. Representative Ulmer was excused for the rest of the day.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 43, 44, 46, and 48 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 20 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 36, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, line 12, delete "shall," and insert "may,".

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The environmental quality service council established under IC 13-13-7 shall study and make findings and recommendations concerning the positive and negative aspects of enacting legislation that would prohibit rules adopted under IC 13 from being more stringent than corresponding provisions of federal law.

(b) The environmental quality service council shall include its findings and recommendations developed under subsection (a) in the environmental quality service council's 2006 final report to the legislative council.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 234 as reprinted January 24, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-23-7.1-40.5, AS ADDED BY P.L.136-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40.5. (a) For purposes of this section, "accessible electronic information service" means a service that provides to an eligible individual news and other timely information, including newspapers, from a multistate service center, using high speed computers and telecommunications technology for Internet acquisition of content and rapid distribution in a form appropriate for use by an eligible individual.

(b) For purposes of this section, "director" refers to the director of the Indiana talking books and braille division of the Indiana state library.

(c) For purposes of this section, "eligible individual" means an individual who is blind or disabled and qualifies for services under 36 CFR 701.10(b).

(d) For purposes of this section, "qualified entity" means an agency, instrumentality, or political subdivision of the state or a nonprofit organization that:

- (1) using computer technology, produces audio or braille editions of daily news reports, including newspapers, for the purpose of providing eligible individuals with access to news;
- (2) obtains electronic news text through direct transfer arrangements made with participating news organizations; and
- (3) provides a means of program administration and reader registration on the Internet.

(e) The director may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. This service shall be planned for continuation from year to year and make maximum use of federal and other funds available by:

- (1) obtaining grants or in kind support from appropriate programs; and
- (2) securing access to low cost interstate rates for telecommunications by reimbursement or otherwise.

**(f) The accessible electronic information service fund is established for purposes of this section. The fund consists of appropriations from the general assembly, loan proceeds, and gifts and grants to the fund.**

**(g) The treasurer of state shall invest the money in the accessible electronic information service fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**(h) The money in the accessible electronic information service fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this section.**

SECTION 2. IC 8-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor shall appoint a consumer counselor, for a term of four (4) years at a salary to be fixed by the governor. The counselor shall serve at the will and pleasure of the governor. The counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The counselor shall apply his the counselor's full efforts to the duties of the office and may not be actively engaged engage in any other occupation, practice, profession, or business that would conflict with the duties of the office."

Page 2, delete lines 1 through 5.

Page 7, line 27, after "citizens" insert ",".

Page 8, line 6, delete "or".

Page 8, between lines 6 and 7, begin a new line block indented and insert:

**"(5) commercial mobile service (as defined in 47 U.S.C. 332); or".**

Page 8, line 7, delete "(5)" and insert "(6)".

Page 8, line 13, delete "service except as follows:" and insert **"service."**

Page 8, delete lines 14 through 28.

Page 12, delete lines 24 through 28.

Page 12, line 29, delete "(j)" and insert "(i)".

Page 13, line 2, delete "service, except as follows:" and insert **"service."**

Page 13, delete lines 3 through 18.

Page 15, between lines 25 and 26, begin a new line block indented and insert:

**"(3) Consumer access to affordable basic telecommunications service."**

Page 15, line 26, delete "(3)" and insert "(4)".

Page 15, line 28, delete "(4)" and insert "(5)".

Page 15, line 30, delete "(5)" and insert "(6)".

Page 17, line 13, delete "eliminated; and" and insert **"eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and"**.

Page 17, line 14, delete "a justification for all telecommunications rules and" and insert **"an explanation of why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers."**

Page 17, delete lines 15 through 17.

Page 18, line 14, delete "that are no longer" and insert **"if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services."**

Page 18, delete lines 15 through 16, begin a new paragraph and insert:

**"(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:**

- (1) the option of basic telecommunications service; and**
- (2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to nonbasic telecommunications service."**

Page 18, line 17, delete "(b)" and insert "(c)".

Page 18, line 19, delete "even-numbered" and insert **"odd-numbered"**.

Page 18, delete lines 22 through 25, begin a new line block indented and insert:

- "(1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and**
- (2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers."**

Page 18, between lines 35 and 36, begin a new paragraph and insert:

**"SECTION 22. IC 8-1-2.6-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Notwithstanding any other law, the commission shall not, by entering an order, adopting a rule, or taking any other action, impose a regulation or performance standard concerning the transfer of customers between providers unless the regulation or performance standard is imposed equally and uniformly on all providers.**

**(b) After a customer's telecommunications services have been transferred, the initial provider may, to the extent permitted by federal law and by IC 24-4.7-4, contact the customer to confirm that the customer has made the decision to change to the other**

**provider.**

**(c) A provider may not refuse to transfer or facilitate the transfer of a local exchange service customer of the provider to another provider on the same terms and conditions that the provider receives from any other provider unless the terms and conditions violate federal law."**

Page 19, line 20, delete "continue to".

Page 20, line 24, delete "provider" and insert **"provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332),"**

Page 21, between lines 30 and 31, begin a new line block indented and insert:

**"(13) After June 30, 2009, collect and maintain from a provider of commercial mobile service (as defined in 47 U.S.C. 332) the following information:**

**(A) The address of the provider's website.**

**(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.**

**(C) An address and other contact information for the provider, including any telephone number not described in clause (B).**

**The commission shall make any information submitted by a provider under this subdivision available on the commission's website. The commission may also make available on the commission's website contact information for the Federal Communications Commission and the Cellular Telephone Industry Association."**

Page 21, delete lines 31 through 42.

Page 22, delete line 1.

Page 22, line 2, delete "(f)" and insert "(e)".

Page 22, line 8, delete "However, if the provider has elected to file a tariff "

Page 22, delete lines 9 through 15.

Page 22, line 23, after "(d)" insert ",".

Page 22, line 26, delete "(g)" and insert "(f)".

Page 25, line 25, after "area" insert **"in Indiana"**.

Page 27, line 42, after "members" insert **"for communications service originating with the members' Indiana customers"**.

Page 28, between lines 28 and 29, begin a new paragraph and insert:

**"SECTION 35. IC 8-1-2.8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If the InTRAC meets the requirements of sections 18 and 21 of this chapter, the InTRAC:**

**(1) is not a public utility;**

**(2) is not a telephone company or a communications service provider; and**

**(3) is free from the jurisdiction and oversight of the commission except as specifically provided in this chapter.**

**(b) The InTRAC is not an affiliated interest (as defined in IC 8-1-2-49). An officer, a director, or a member of the InTRAC may not be construed to be an affiliated interest solely because that person or entity is an officer, a director, or a member of the InTRAC."**

Page 29, delete lines 1 through 5.

Page 29, line 19, delete "Except as".

Page 29, line 20, delete "provided in subsection (b), the" and insert **"The"**.

Page 29, delete lines 27 through 36.

Page 29, line 37, reset in roman "(b)".

Page 29, line 37, delete "(d)".

Page 29, line 38, delete "or office".

Page 29, delete lines 39 through 42.

Page 30, delete lines 1 through 20.

Page 47, between lines 26 and 27, begin a new paragraph and insert:

**"SECTION 53. IC 8-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:**

**Chapter 29.5. Enforcement Remedies for Prohibited Actions by Telecommunications Service Providers and Video Service Providers**

**Sec. 1. This chapter applies to a provider and a certificate**

holder.

Sec. 2. Except as otherwise provided, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "certificate holder" refers to a person holding a certificate of franchise authority issued under IC 8-1-34-17.

Sec. 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 5. As used in this chapter, "customer", with respect to a provider, refers to any of the following:

- (1) A residential customer.
- (2) A business customer.
- (3) Another provider that obtains retail or wholesale services from the provider.

Sec. 6. (a) If:

- (1) one (1) or more customers of a provider or a certificate holder;
- (2) another provider;
- (3) the utility consumer counselor; or
- (4) any class satisfying the standing requirements of IC 8-1-2-54;

files a complaint with the commission alleging that a service over which the commission has jurisdiction that is provided by a provider or a certificate holder is unreasonable, unsafe, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may investigate the complaint as the commission considers appropriate. The commission shall conduct an investigation under this section on an expedited basis, and a complaint filed by another provider under this section that alleges a violation of an interconnection agreement or order is subject to the commission's expedited procedures under 170 IAC 7-7.

(b) If, after notice and an opportunity for hearing, the commission determines from an investigation conducted under subsection (a) that a provider or a certificate holder has violated a provision of this chapter or a lawful order of the commission, the commission may do any of the following:

- (1) Issue an order directing the provider or the certificate holder to cease and desist from the violation.
- (2) Mandate corrective action to alleviate the violation.
- (3) Revoke or modify the terms of:
  - (A) an indeterminate permit;
  - (B) a certificate of territorial authority;
  - (C) a certificate of franchise authority issued under IC 8-1-34; or
  - (D) another license or authorization;

issued to the provider or the certificate holder by the commission.

- (4) Impose a civil penalty of not more than ten thousand dollars (\$10,000) per violation, if the violation involves any of the following:

- (A) A willful disregard, as evidenced by a continuing pattern of conduct, by the provider or the certificate holder of its obligation to remedy the violation after the provider or the certificate holder becomes aware of the violation.
- (B) Repeated errors in bills issued to one (1) or more customer classes, if the errors:
  - (i) represent intentional misconduct or an act of fraud by the provider or the certificate holder or by any officer, accountant, or agent of the provider or certificate holder; or
  - (ii) demonstrate, by a continuing pattern of conduct, a willful disregard by the provider or the certificate holder of its obligation to remedy the errors after the provider or the certificate holder becomes aware of the errors.

Subject to section 7(a)(1) of this chapter, for purposes of this subdivision, a single act, omission, occurrence, or event that results in multiple complaints being filed under subsection (a) constitutes a single violation and is not subject to more than one (1) civil penalty. The commission may not consider each day that a particular violation continues to be a separate violation.

(c) A matter resolved through voluntary mediation is not considered a violation for purposes of this section.

(d) A provider or a certificate holder may not be subject to both:

- (1) a civil penalty or an order of the commission under this section; and
- (2) a penalty or remedy agreed to in a commission approved settlement agreement;

for the same violation. If the commission has approved a settlement agreement under IC 8-1-2.6 that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, the penalties or remedies provided in this section do not apply to those instances of noncompliance during the life of the settlement agreement.

(e) The attorney general may bring an action in the name of the state to enforce any action taken by the commission under subsection (b), including the collection of an unpaid civil penalty imposed by the commission.

(f) The following are subject to appeal by a provider under IC 8-1-3:

- (1) A determination by the commission under this section that a provider or a certificate holder has violated a provision of this chapter or a lawful order of the commission.
- (2) The appropriateness of any action taken by the commission under subsection (b)(1) through (b)(3).
- (3) The appropriateness of:
  - (A) the imposition of a civil penalty by the commission under subsection (b)(4); or
  - (B) the amount of the penalty imposed.

Upon the motion of a provider or a certificate holder, the commission shall stay the effect or enforceability of an order or penalty under this section pending an appeal, subject to the provider or the certificate holder posting a bond that complies with Rule 18 of the Indiana Rules of Appellate Procedure.

Sec. 7. (a) In imposing a civil penalty under section 6(b)(4) of this chapter, the commission may consider the following factors:

- (1) The duration and gravity of the violation, including the number of customers affected.
- (2) The presence or absence of due diligence on the part of the violating provider or certificate holder to comply with or secure relief from a provision of this article or a lawful order of the commission.
- (3) Economic benefits accrued by the violating provider or certificate holder because of the delay in complying with a provision of this article or a lawful order of the commission.
- (4) The amount of a civil penalty that will:
  - (A) deter future violations by the violating provider or certificate holder; and
  - (B) enhance voluntary compliance with a provision of this article or a lawful order of the commission.
- (5) The market share of the violating provider or certificate holder in the affected service areas.
- (6) Good faith of the violating provider or certificate holder in attempting to remedy the violation or to achieve compliance after receiving notification of the violation.

(b) If the commission waives a civil penalty for a violation involving any act or omission described in section 6(b)(4) of this chapter, the commission must make a written finding as to why it is waiving the civil penalty. The commission may waive a civil penalty under section 6(b)(4) of this chapter if the commission finds that the violation is the result of any of the following:

- (1) The technological infeasibility of:
  - (A) complying with the requirements of a provision of this article or a lawful order of the commission; or
  - (B) remedying a violation of a provision of this article or a lawful order of the commission.
- (2) An act of God.
- (3) A defect in, or prohibited use of, customer provided equipment.
- (4) A negligent act of a customer.
- (5) An emergency situation.
- (6) Unavoidable casualty.

(c) The secretary of the commission shall direct a civil penalty

imposed and collected under section 6(b)(4) of this chapter as follows:

(1) A civil penalty imposed for a violation that directly affects retail customers must be refunded directly to the customers of the violating provider or certificate holder in the form of credits on customer bills.

(2) A civil penalty imposed for a violation not described in subdivision (1) must be deposited into an account designated by the Indiana finance authority for use by the authority in making loans or grants to broadband developers and operators under the Indiana broadband development program established by IC 8-1-33-15."

Page 48, line 41, delete "IC 8-1-32.6-9;" and insert "IC 8-1-32.6-8;"

Page 50, line 7, delete "IC 8-1-32.6-9" and insert "IC 8-1-32.6-8".

Page 52, line 13, delete "IC 8-1-32.6-9" and insert "IC 8-1-32.6-8".

Page 56, line 41, delete "each of the following:" and insert "the commission. The commission shall prescribe the number of copies to be submitted by a communications service provider under this section."

Page 56, delete line 42.

Page 57, delete lines 1 through 2.

Page 58, line 19, delete "However, a provider may elect to file and maintain with", begin a new paragraph and insert:

"(b) The".

Page 58, delete lines 20 through 33.

Page 58, run in lines 19 through 34.

Page 59, line 2, delete "currently".

Page 61, line 20, delete "or residential".

Page 61, line 21, delete "apartment buildings, condominiums,".

Page 61, line 22, delete "subdivisions, office buildings," and insert "office buildings".

Page 61, line 22, after "parks." insert "The term does not include apartment buildings, condominiums, or subdivisions."

Page 61, delete lines 23 through 24.

Page 61, line 25, delete "6." and insert "5".

Page 61, line 28, delete "7." and insert "6".

Page 61, line 30, delete "8." and insert "7".

Page 62, line 19, delete "Except as provided in subsection (e), upon:" and insert "Upon:".

Page 62, line 24, delete "counselor, if the complaint is filed" and insert "counselor; or".

Page 62, delete line 25.

Page 62, line 28, delete "motion, if the commission acts" and insert "motion;"

Page 62, delete line 29.

Page 63, delete lines 1 through 12.

Page 63, line 13, delete "(f)" and insert "(e)".

Page 63, line 15, delete "(g)" and insert "(f)".

Page 63, line 15, delete "or the office".

Page 63, line 17, delete "9." and insert "8".

Page 63, line 40, delete "8" and insert "7".

Page 64, between lines 7 and 8, begin a new paragraph and insert: "SECTION 56. IC 8-1-33-13, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As used in this chapter, "underserved area" means an area within Indiana that the authority determines does not have a person that:

(1) provides broadband service in the area at the time of the authority's inquiry under section 14 of this chapter; or

(2) intends to provide broadband service not later than three (3) months after the date of the authority's inquiry under section 14 of this chapter:

is not being adequately served with broadband service."

Page 65, line 15, after "14." insert "(a)".

Page 65, between lines 23 and 24, begin a new paragraph and insert:

"(b) The term does not include commercial mobile service (as defined in 47 U.S.C. 332)."

Page 66, delete lines 30 through 35.

Page 68, line 14, delete "or".

Page 68, line 16, after ";" insert "or".

Page 68, between lines 16 and 17, begin a new line block indented and insert:

"(3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;"

Page 68, delete lines 36 through 40.

Page 70, line 31, delete "currently".

Page 72, delete lines 25 through 33, begin a new paragraph and insert:

"Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in existence on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in existence on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in existence on June 30, 2006; and

(B) the provider is subject to a local franchise in the unit on June 30, 2006;

the provider shall determine gross revenue as the term is defined in that provider's local franchise.

(3) If:

(A) more than one (1) local franchise was in existence on June 30, 2006; and

(B) the holder was not providing cable television service in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise that is most favorable to the unit."

Page 72, line 34, delete "(b)" and insert "(c) This subsection does not apply to a holder that is required to determine the holder's gross revenue under subsection (b)."

Page 73, line 17, delete "(c)" and insert "(d) This subsection does not apply to a holder that is required to determine the holder's gross revenue under subsection (b)."

Page 75, line 2, delete "(d)" and insert "(e)".

Page 75, line 5, delete "with subsections (b) and" and insert "with:

(1) subsection (b); or

(2) subsections (c) and (d);

whichever is applicable."

Page 75, delete line 6.

Page 75, line 7, delete "(e)" and insert "(f)".

Page 75, line 13, delete "income" and insert "revenue".

Page 75, line 33, delete "five percent (5%)." and insert "a percentage equal to one (1) of the following:

(A) If there is no local franchise in effect with respect to the unit on January 1, 2006, five percent (5%).

(B) If there is one (1) local franchise in effect with respect to the unit on January 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%). Upon the expiration of a local franchise described in this clause, the percentage shall be determined by the unit but may not exceed five percent (5%).

(C) If there is more than one (1) local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit, which may not exceed the greater of:

(i) five percent (5%); or

(ii) the percentage paid by a holder of any local franchise in effect in the unit on January 1, 2006."

Page 75, line 35, delete "23(d)" and insert "23(e)".

Page 80, after line 42, begin a new paragraph and insert:

"Sec. 29. (a) This section applies to a provider that elects to terminate a local franchise under section 21(b)(2) of this chapter.

(b) A holder to which this section applies shall continue to provide the following services under the terms of the terminated local franchise until January 1, 2009, or until the terminated local franchise would have expired, whichever is later:

(1) Institutional network capacity, however defined or referenced in the terminated local franchise, but generally including private line data network capacity for use by the unit for noncommercial purposes. Institutional network capacity provided under this subdivision shall continue to be provided at the same capacity as was provided to the unit before the date of termination of the local franchise.

(2) Video service to community public buildings, such as municipal buildings and public schools, however defined or referenced in the terminated local franchise, but generally including cable drop connections to the buildings and a particular tier of video service provided to the buildings. Video service provided under this subdivision shall continue to be provided to the same extent as was provided to the unit before the date of termination of the local franchise. Beginning January 1, 2009, or upon the date on which the terminated local franchise would have expired, whichever is later, a provider that provides video service under this subdivision shall continue to provide the video services under this subdivision if the unit requests that the services continue after December 31, 2008, or after the date the terminated local franchise would have expired, whichever is later.

(c) This subsection applies to services described in subsection (b) that are provided after December 31, 2008, or after the date the terminated local franchise would have expired, whichever is later. The incremental costs of the services shall be apportioned among all holders of a franchise to provide video service within the unit. The amount of the incremental costs borne by a particular holder is equal to the total cost of providing the services multiplied by a fraction calculated as follows:

(1) The numerator of the fraction equals the number of subscribers to whom the holder provides video service in the unit.

(2) The denominator of the fraction equals the total number of subscribers to whom all holders provide video service in the unit."

Delete pages 81 through 86.

Page 87, delete lines 1 through 27.

Page 89, line 9, delete "budgets of the commission and the office of" and insert "budget of the commission".

Page 89, line 10, delete "utility consumer counselor".

Page 91, delete lines 5 through 42.

Page 92, delete lines 1 through 14.

Page 92, line 16, delete "IC 8-1-2.6-7." and insert "IC 8-1-2.6-7; IC 8-1-33-14."

Page 92, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 63. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 8-1-34, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) For the period beginning July 1, 2006, and ending June 30, 2010, the commission shall conduct an analysis of the deployment of video service in Indiana. In conducting the analysis required under this subsection, the commission shall determine and collect data on the following for each metropolitan statistical area in Indiana on at least an annual basis:

(1) The median per capita income of the metropolitan statistical area in relation to the median per capita income of the state.

(2) Whether the metropolitan statistical area is part of or includes an underserved area, as determined by the Indiana finance authority under IC 8-1-33-13, as amended by this act.

(3) An identification of each provider offering video service in the metropolitan statistical area. For each provider identified under this subdivision, the commission shall identify whether the provider offers video service in the metropolitan statistical area under:

(A) a local franchise; or

(B) a certificate issued by the commission under IC 8-1-34-17, as added by this act.

(4) For each provider identified under subdivision (3), the type of technology used to deliver the video service offered. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of the infrastructure used to provide video service within the metropolitan statistical area.

(5) For each provider identified under subdivision (3), any infrastructure build out initiated or completed within the metropolitan statistical area during the particular data collection period. For a provider that offers video service in the metropolitan statistical area under a local franchise, the commission shall identify whether the build out identified under this subdivision is required under the local franchise. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of any build out that is initiated or completed.

(6) For each provider identified under subdivision (3), the provider's compliance with IC 8-1-34-28, as added by this act. The commission shall include in the data collected under this subdivision information on any complaint filed by an affected person under IC 8-1-34-28(c), as added by this act, including the commission's resolution of the complaint under IC 8-1-34-28(d), as added by this act.

(d) In the commission's report under IC 8-1-2.6-4, as added by this act, that is due to the regulatory flexibility committee on July 1, 2010, the commission shall include the results of the commission's analysis under subsection (c). The results reported must include the data collected under subsection (c) for each metropolitan statistical area in Indiana for each annual data collection period monitored by the commission during the four year period specified under subsection (c)."

Page 92, delete lines 25 through 26.

Page 92, line 27, delete "(d)" and insert "(c)".

Page 92, line 29, delete "(e)" and insert "(d)".

Page 92, line 29, delete "IC 8-1-2.6-1.5 and IC 8-1-2.6-13(e), both" and insert "IC 8-1-2.6-1.4,".

Page 92, line 30, delete "may do any of the following" and insert "may, before July 1, 2009, take any action necessary to divest itself, by July 1, 2009, of any jurisdiction that:

(1) is not described in IC 8-1-2.6-1.5(b), as added by this act, or IC 8-1-2.6-13(d), as added by this act; and

(2) the commission exercises over basic telecommunications service before July 1, 2009."

Page 92, delete lines 31 through 42.

Page 93, delete lines 1 through 3.

Page 93, line 4, delete "(g)" and insert "(e)".

Page 93, delete lines 5 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 245, Digest Correction, as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

MURPHY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "or sales material" and insert "and no sales material".

(Reference is to SB 264 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. IC 16-42-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if the following conditions are met:

(1) ~~Members of the organization prepare the food that will be sold;~~

(2) ~~Events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year;~~

(3) ~~The name of each member who has prepared a food item is attached to the container in which the food item has been placed;~~

**organization does not have any paid staff whose primary responsibility is to prepare and serve food to the public at the event.**

(b) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter."

(Reference is to SB 284 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under **IC 5-2-6.3-6(b)(3), IC 11-10-7-5, IC 11-10-8-6, IC 33-37-7-9, IC 34-51-3-6,** and IC 35-50-5-3 and appropriations from the general assembly."

Page 1, line 5, after "shall" delete ":".

Page 1, line 6, delete "(1)".

Page 1, line 6, strike "pay the punitive damage award to the clerk of the court where".

Page 1, line 7, strike "the action is".

Page 1, line 7, delete "pending;" and insert "**pending**".

Page 1, line 7, delete "and".

Page 1, line 8, delete "(2)".

Page 1, run in lines 5 through 8.

Page 1, between lines 9 and 10, begin a new paragraph and insert:

**"(b) When a punitive damage award is paid, the party against whom the judgment was entered shall pay the punitive damage award to the clerk of the court where the action is pending."**

Page 1, line 10, strike "(b)" and insert "**(c)**".

Page 2, line 1, delete "(c)" and insert "**(d)**".

Page 2, line 3, delete "(b)(2)." and insert "**(c)(2)**".

Page 2, line 4, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

FOLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "A" and insert "**B**".

(Reference is to SB 305 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-18.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 16 of this chapter, before:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

**(B) with the approval of the county fiscal body of the county in which the civil taxing unit is located, March 1 of the ensuing calendar year;**

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall promptly deliver to the local government tax control board every appeal petition it receives under subsection (a) and any materials it receives relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the local government tax control board has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the board with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing of the local government tax control board after having been given written notice from the local government tax control board requiring ~~his~~ **that person's** attendance; or

(2) fails to produce for the local government tax control board's use the books and records that the local government tax control board by written notice required the officer or member to produce;

then the local government tax control board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to appear before the local government tax control board, to provide information to the

local government tax control board, or to produce books and records for the local government tax control board's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

**(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.**

SECTION 3. IC 6-1.1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county board of tax adjustment may not approve or recommend the approval of an excessive tax levy.

(b) If a school corporation adopts or advertises an excessive tax levy, the county board of tax adjustment which reviews the school corporation's budget, tax levy, and tax rate shall reduce the excessive tax levy to the maximum normal tax levy.

(c) If a county board of tax adjustment approves, or recommends the approval of, an excessive tax levy for a school corporation, the auditor of the county for which the county board is acting shall reduce the excessive tax levy to the maximum normal tax levy. Such a reduction shall be set out in the notice required to be published by the auditor under IC 6-1.1-17-12, and an appeal shall be permitted therefrom as provided under IC 6-1.1-17 as modified by this chapter.

(d) Appeals from any action of a county board of tax adjustment or county auditor in respect of a school corporation's budget, tax levy, or tax rate may be taken as provided for by IC 6-1.1-17. Notwithstanding IC 6-1.1-17, a school corporation may appeal to the department of local government finance for emergency financial relief for the ensuing calendar year at any time before:

(1) September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 4.7(a) of this chapter:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

**(B) with the approval of the county fiscal body of the county in which the school corporation is located, March 1 of the ensuing calendar year.**

(e) In the appeal petition in which a school corporation seeks emergency financial relief, the appellant school corporation shall allege that, unless it is given the emergency financial relief for which it petitions, it will be unable to carry out, in the ensuing calendar year, the public educational duty committed to it by law, and it shall support that allegation by reasonably detailed statements of fact.

(f) When an appeal petition in which a school corporation petitions for emergency financial relief is filed with the department of local government finance, the department shall include, in the notice of the hearing in respect of the petition that it is required to give under IC 6-1.1-17-16, a statement to the effect that the appellant school corporation is seeking emergency financial relief for the ensuing calendar year. A subsequent action taken by the department of local government finance in respect of such an appeal petition is not invalid, however, or otherwise affected, if the department fails to include such a statement in the hearing notice.

**(g) The fiscal officer of a school corporation that appeals under section 4.7(a) of this chapter for relief from levy limitations under this chapter shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.**

SECTION 4. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or before March 1~~ of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (*repealed*) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus



(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- (iii) ~~IC 20-14-13~~ IC 36-12-12 for a library capital projects fund; plus
- (iv) ~~IC 20-5-17.5-3~~ IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
- (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or
- (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

- (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and
- (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare ~~on or before March 1 of~~ each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "*Board*" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 5. IC 6-1.1-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b)**, the auditor of each county shall, before March 15 of each year, prepare a roll of property taxes payable in that year for the county. This roll shall be known as the "tax duplicate" and shall show:

- (1) the value of all the assessed property of the county;
- (2) the person liable for the taxes on the assessed property; and
- (3) any other information that the state board of accounts, with the advice and approval of the department of local government finance, may prescribe.

(b) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall complete preparation of the tax duplicate when the appeal is resolved by the department of local government finance.**

(c) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall prepare a revised tax duplicate when the appeal is resolved by the department of local government finance that reflects the action of the department.**

~~(b)~~ (d) The county auditor shall comply with the instructions issued by the state board of accounts for the preparation, preservation, alteration, and maintenance of the tax duplicate. The county auditor

shall deliver a copy of the tax duplicate prepared under subsection (a) to the county treasurer ~~before March 1 of each year~~ **when preparation of the tax duplicate is completed.**

SECTION 6. IC 6-1.1-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in subsections (b) and (c),** on or before March 15 of each year, the county auditor shall prepare and deliver to the auditor of state and the county treasurer a certified copy of an abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county. The county auditor shall prepare the abstract in such a manner that the information concerning property tax deductions reflects the total amount of each type of deduction. The abstract shall also contain a statement of the taxes and penalties unpaid in each taxing unit at the time of the last settlement between the county auditor and county treasurer and the status of these delinquencies. The county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract ~~in his office~~ as a public record.

(b) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver the certified copy of the abstract when the appeal is resolved by the department of local government finance.**

(c) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver a certified copy of a revised abstract when the appeal is resolved by the department of local government finance that reflects the action of the department.**

SECTION 7. IC 6-1.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~IC 6-1.1-7-7, section 9.5 of this chapter, and subsections (b) and (c)~~ the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) **Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:**

- (1) Subsection (c).
- (2) Subsection (d).
- (3) IC 6-1.1-7-7.
- (4) Section 9.5 of this chapter.

~~(b)~~ (c) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) **If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county treasurer mails or transmits statements under section 8(a) of this chapter, the county auditor may:**

- (1) **mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or**
- (2) **delay the mailing or transmission of statements under section 8(a) of this chapter so that:**

- (A) **the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and**
- (B) **all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.**

(e) **A reconciling statement under subsection (d)(1) must indicate:**

- (1) **the total amount due for the year;**

(2) **the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) by the department of local government finance;**

(3) **if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable by the taxpayer:**

(A) **as a final reconciliation of all amounts due for the year; and**

(B) **not later than:**

(i) **November 10; or**

(ii) **the date or dates established under section 9.5 of this chapter; and**

(4) **if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.**

~~(f)~~ (f) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

~~(g)~~ (g) Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

SECTION 8. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

(1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and

(2) that are not payable in one (1) installment under ~~section 9(b)~~ **section 9(c)** of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

- (1) real property that are based on the assessment of the property in the immediately preceding year; or
- (2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

- (A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;
- (B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or
- (C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

- (A) prescribe the form of the petition under subsection (b);
- (B) determine the information required on the form; and
- (C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

- (1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

- (A) used to repay temporary loans entered into by a political subdivision for; and
- (B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation

from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 9. IC 6-1.1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (c)**, with respect to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, the county treasurer may, except as provided by section 7 of this chapter, use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date.

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

(1) in the form prescribed by the department of local government finance; and

(2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

**(c) Subsection (a) does not apply if the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b)."**

Page 3, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except as provided in ~~section 10.5~~ **sections 10.5 and 10.7** of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty ~~equal to ten percent (10%) of the amount of delinquent taxes~~ shall be added to the unpaid portion in the year of the initial delinquency. **The penalty is equal to an amount determined as follows:**

(1) If:

(A) **an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and**  
(B) **the taxpayer is not liable for delinquent property taxes first due and payable in a previous year for the same parcel;**

**the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.**

**(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.**

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) A payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date to the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in the United States mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) certified or postmarked by the United States Postal Service as mailed on or before the due date; or

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment."

Page 4, delete lines 1 through 39.

Page 5, delete lines 14 through 16.

Page 5, line 17, delete "(ii) The" and insert "**the**".

Page 5, run in lines 13 through 17.

Page 5, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 14-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) An assessment not paid in full shall be paid in annual installments over the time commensurate with the term of the bond issue or other financing determined by resolution adopted by the board. Interest shall be charged on the unpaid balance at the same rate per year as the penalty charged on delinquent property tax payments under ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**. All payments of installments, interest, and penalties shall be entered on the assessment roll in the office of the district.

(b) Upon payment in full of the assessment, including interest and penalties, the board shall have the lien released and satisfied on the records in the office of the recorder of the county in which the real property assessed is located.

(c) The procedure for collecting assessments for maintenance and operation is the same as for the original assessment, except that the assessments may not be paid in installments.

SECTION 7. IC 36-9-36-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 37. (a) Except as provided in section 38 of this chapter, the entire assessment is payable in cash without interest not later than thirty (30) days after the approval of the assessment roll by the works board if an agreement has not been signed and filed under section 36 of this chapter.

(b) If the assessment is not paid when due, the total assessment becomes delinquent and bears interest at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** per year from the date of the final acceptance of the completed improvement by the works board.

SECTION 8. IC 36-9-36-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 55. (a) An irregularity or error in making a foreclosure sale under this chapter does not make the sale ineffective, unless the irregularity or error substantially prejudiced the property owner.

(b) A property owner has two (2) years from the date of sale in which to redeem the owner's property. The property owner may redeem the owner's property by paying the principal, interest, and costs of the judgment, plus interest on the principal, interest, and costs at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(c) If the property is not redeemed, the sheriff shall execute a deed to the purchaser. The deed relates back to the final letting of the contract for the improvement and is superior to all liens, claims, and interests, except liens for taxes.

SECTION 9. IC 36-9-37-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) If a person defaults in the payment of a waived installment of principal or interest of an assessment, the municipal fiscal officer shall mail notice of the default to the person. The notice must meet the following conditions:

(1) Be mailed not more than sixty (60) days after the default.

(2) Show the amount of the default, plus interest on that amount for the number of months the person is in default at one-half

(1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(3) State that the amount of the default, plus interest, is due by the date determined as follows:

(A) If the person selected monthly installments under ~~IC 36-9-37-8.5(a)(1)~~, **section 8.5(a)(2) of this chapter**, within sixty (60) days after the date the notice is mailed.

(B) If the person selected annual installments under ~~IC 36-9-37-8.5(a)(2)~~, **section 8.5(a)(1) of this chapter**, within six (6) months after the date the notice is mailed.

(b) A notice that is mailed to the person in whose name the property is assessed and addressed to the person within the municipality is sufficient notice. However, the fiscal officer shall also attempt to determine the name and address of the current owner of the property and send a similar notice to the current owner.

(c) Failure to send the notice required by this section does not preclude or otherwise affect the following:

(1) The sale of the property for delinquency as prescribed by IC 6-1.1-24.

(2) The foreclosure of the assessment lien by the bondholder.

(3) The preservation of the assessment lien under section 22.5 of this chapter.

SECTION 10. IC 36-9-37-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) If any principal and interest, or an installment of principal and interest, is not paid in full when due, the municipal fiscal officer shall enforce payment of the following:

(1) The unpaid amount of principal and interest.

(2) A penalty of interest at the rate prescribed by subsection (b).

(b) If payment is made after a default, the municipal fiscal officer shall also collect a penalty of interest on the delinquent amount at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** for each six (6) month period, or fraction of a six (6) month period, from the date when payment should have been made.

SECTION 11. [EFFECTIVE JANUARY 1, 2007] **IC 6-1.1-37-10, as amended by this act, applies only to ad valorem property taxes first due and payable after December 31, 2006.**

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **For ad valorem property taxes and assessments first due and payable in 2006:**

(1) **notwithstanding IC 6-1.1-18.5-12, as amended by this act, that section applies as if the date in IC 6-1.1-18.5-12(a)(2)(B) were April 1 instead of March 1; and**

(2) **notwithstanding IC 6-1.1-19-2, as amended by this act, that section applies as if the date in IC 6-1.1-19-2(d)(2)(B) were April 1 instead of March 1.**

(b) **This SECTION expires January 1, 2007.**

SECTION 13. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-18.5-12, IC 6-1.1-19-2, IC 6-1.1-21-2, IC 6-1.1-22-3, IC 6-1.1-22-5, IC 6-1.1-22-9, IC 6-1.1-22-9.5, and IC 6-1.1-22.5-6, all as amended by this act, apply only to property taxes first due and payable after December 31, 2005."**

Page 5, line 37, delete "June 30," and insert "December 31,".

Page 5, after line 37, begin a new paragraph and insert:

"SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 355 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 34, after "delegation of" insert "its".

Page 5, line 3, after "private" insert "**for-profit or nonprofit**".

Page 6, line 2, after "IC 22-4.1-13-13" insert "-".

Page 8, line 18, after "7 U.S.C. 2015" insert "-".

Page 10, line 8, delete "four (4)" and insert "**twenty-one (21)**".

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"(d) **A member who participates in a meeting under subsection (b) shall confirm in writing not more than five (5) days after the date of the meeting the votes cast by the member during the meeting. The member may send the confirmation by United States mail or facsimile.**

(e) **A member shall attend at least three (3) meetings of the council during a calendar year in person."**

Page 10, line 22, delete "(d)" and insert "(f)".

Page 11, between lines 5 and 6, begin a new paragraph and insert:

"(c) **The council is subject to:**

(1) **the allotment system administered by the budget agency; and**

(2) **financial oversight by the office of management and budget."**

Page 11, line 25, delete "program." and insert "**program administered by the department."**

Page 12, line 28, delete "IC 20-18-2;" and insert "**IC 20-18-2);**".

Page 13, line 8, delete "RED" and insert "READ".

Page 13, line 28, after "person" insert "**(as defined in IC 22-4-11.5-3)**".

Page 14, line 16, delete "service area" and insert "**region**".

Page 14, line 16, after "well" insert "**as**".

Page 14, line 16, delete "development".

Page 16, line 21, after "Select" insert "**and enter into an agreement with**".

Page 16, line 27, delete "development" and insert "**investment**".

Page 16, line 36, delete "or" and insert "**and**".

Page 16, line 36, delete "designee" and insert "**regional workforce board**".

Page 17, line 13, delete "A person may not:" and insert "**A person who serves as a regional workforce board member may not at the same time serve as:**

(1) **a regional operator;**

(2) **a fiscal agent;**

(3) **a service provider; or**

(4) **a provider of direct client services.**

Sec. 7. (a) **A person who serves as a regional operator may also serve as a fiscal agent.**

(b) **A person who serves as a regional operator may not at the same time serve as:**

(1) **a service provider within the same regional workforce area;**

(2) **a regional workforce board member; or**

(3) **a provider of direct client services.**

Sec. 8. **A person who serves as a service provider may not at the same time serve as:**

(1) **a regional operator;**

(2) **a fiscal agent; or**

(3) **a regional workforce board member.**

Sec. 9. (a) **A person who serves as a fiscal agent may also serve as a regional operator.**

(b) **A person who serves as a fiscal agent may not at the same time serve as:**

(1) **a service provider;**

(2) **a regional workforce board member; or**

(3) **a provider of direct client services."**

Page 17, delete lines 14 through 18.

Page 17, line 19, delete "Sec. 7." and insert "**Sec. 10.**".

Page 17, line 25, delete "To the extent possible and as applicable, the" and insert "**The**".

Page 17, line 30, delete "law." and insert "**laws.**".

(Reference is to SB 370 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Upon request of Representatives Cheney and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 219: yeas 50, nays 44. Report adopted.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 22

Representative Wolkins called down Engrossed Senate Bill 22 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 22-1)

Mr. Speaker: I move that Engrossed Senate Bill 22 be amended to read as follows:

Page 5, between lines 24 and 25, begin a new paragraph and insert: "SECTION 6. IC 8-1-22.5-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.1. (a) If the commission or division determines that a report or part of a report filed under this chapter is confidential under IC 5-14-3-4(a), the report or part of the report shall be excepted from disclosure under IC 5-14-3-3 as provided in IC 5-14-3-4(a).**

**(b) If the commission or division determines under IC 5-14-3-4(b)(19) that the disclosure of a report or part of a report filed under this chapter has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack, the commission or division may except the report or part of the report from disclosure under IC 5-14-3-3 as provided in IC 5-14-3-4(b)."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as printed February 17, 2006.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 40

Representative Duncan called down Engrossed Senate Bill 40 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 54

Representative Woodruff called down Engrossed Senate Bill 54 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 54-2)

Mr. Speaker: I move that Engrossed Senate Bill 54 be amended to read as follows:

Page 9, line 10, after "upon." insert "**An application for a lifetime license may be filed at any time.**".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 10. IC 35-47-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8. (a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.**

**(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:**

- (1) the name of the purchaser;
- (2) the dealer identification number;
- (3) the unique approval number;
- (4) the transaction date; and
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.

**(c) The state police department may maintain fingerprint records in a manner that permits the department to comply with an electronic application or renewal system under IC 35-47-2-3.**

Page 10, line 42, delete "IC 4-6-3-12;"

Page 11, line 1, delete "IC 35-47-2.5-8;"

(Reference is to ESB 54 as printed February 17, 2006.)

WOODRUFF

Motion prevailed.

#### HOUSE MOTION (Amendment 54-1)

Mr. Speaker: I move that Engrossed Senate Bill 54 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 11-12-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. An employee of a community corrections program may carry a:**

**(1) firearm (as defined in IC 35-47-1-5); or**

**(2) handgun (as defined in IC 35-47-1-6);**

**while acting in the scope of employment as an employee of a community corrections program, if the employee may legally carry a handgun or firearm and has successfully completed a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m)."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 54 as printed February 17, 2006.)

GOODIN

Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

### Engrossed Senate Bill 57

Representative Buell called down Engrossed Senate Bill 57 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 57-2)

Mr. Speaker: I move that Engrossed Senate Bill 57 be amended to read as follows:

Page 2, delete lines 17 through 42.

Delete page 3.

Page 4, delete lines 1 through 15.

Renumber all SECTIONS consecutively.

(Reference is to ESB 57 as printed February 17, 2006.)

NOE

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 71

Representative Dodge called down Engrossed Senate Bill 71 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 71-1)

Mr. Speaker: I move that Engrossed Senate Bill 71 be amended to read as follows:

Page 2, line 29, delete "exemption" and insert "**exemptions**".

Page 2, line 29, delete "IC 6-1.1-10-2 does" and insert "**IC 6-1.1-10-2, IC 6-1.1-10-4, and IC 6-1.1-10-5 do**".

(Reference is to ESB 71 as printed February 17, 2006.)

DODGE

Motion prevailed.

#### HOUSE MOTION (Amendment 71-2)

Mr. Speaker: I move that Engrossed Senate Bill 71 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1.5-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.**

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the district is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality."

Renumber all SECTIONS consecutively.

(Reference is to ESB 71 as printed February 17, 2006.)

HINKLE

Upon request of Representatives Crawford and Mahern, the Chair ordered the roll of the House to be called. Roll Call 220: yeas 48, nays 45. Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 77

Representative Heim called down Engrossed Senate Bill 77 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 77-1)

Mr. Speaker: I move that Engrossed Senate Bill 77 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-22-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who meets the requirements set forth in section 15(a) of this chapter, who:

(1) owns;

(2) holds; or

(3) controls by lease for a term of not less than five (5) years; a contiguous tract of land containing an area of not less than one hundred (100) acres and not more than six hundred forty (640) acres, and who desires to establish a license shooting preserve must apply to the division for a license."

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 3. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) A person who:

(1) possesses a license issued under this chapter; and

(2) provides documentation to the department indicating that the person allowed hunting under a license issued under this chapter in 2003, 2004, or 2005;

is entitled to continue to allow hunting and harvesting of animals allowed under section 7 of this chapter for sporting purposes.

(b) Before July 1, 2011, a person who operates a shooting preserve under this chapter shall submit to the department a plan that outlines how all animals will be harvested or removed from the licensed shooting preserve.

(c) An animal may not be released into a shooting preserve to which this chapter applies after July 1, 2011.

SECTION 4. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. This chapter expires July 1, 2013."

Renumber all SECTIONS consecutively.

(Reference is to ESB 77 as printed February 14, 2006.)

WOLKINS

Upon request of Representatives Davis and Heim, the Chair ordered the roll of the House to be called. Roll Call 221: yeas 47, nays 46. Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 83

Representative Torr called down Engrossed Senate Bill 83 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 83-2)

Mr. Speaker: I move that Engrossed Senate Bill 83 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert: "(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended."

(Reference is to ESB 83 as printed February 17, 2006.)

TORR

After discussion, Representative Torr withdrew amendment 2 and withdrew the call of Engrossed Senate Bill 83.

### Engrossed Senate Bill 100

Representative Whetstone called down Engrossed Senate Bill 100 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 133

Representative Dodge called down Engrossed Senate Bill 133 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

### Engrossed Senate Bill 148

Representative Heim called down Engrossed Senate Bill 148 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 148-1)

Mr. Speaker: I move that Engrossed Senate Bill 148 be amended to read as follows:

Page 11, line 40, reset in roman "homesteads".

Page 11, line 40, after "homesteads" insert "or".

Page 11, line 41, delete "section 26(b)(4)" and insert "section 26".

Page 11, line 41, after "chapter)" insert "**as appropriate under the ordinance adopted by the adopting entity under section 26 of this chapter**".

Page 12, line 38, after "homestead" insert "**and property tax replacement**".

Page 13, delete lines 9 through 15, begin a new line block indented and insert:

"(4) **Residential**" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property."

(Reference is to ESB 148 as printed February 17, 2006.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Representative Denbo was excused for the rest of the day.

### Engrossed Senate Bill 157

Representative Hoffman called down Engrossed Senate Bill 157 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 157-1)

Mr. Speaker: I move that Engrossed Senate Bill 157 be amended to read as follows:

Page 3, between lines 41 and 42, begin a new paragraph and insert: SECTION 10. [EFFECTIVE UPON PASSAGE]. IC 14-33-5.5 IS REPEALED.

Renumber all SECTIONS consecutively.

(Reference is to ESB 157 as printed February 14, 2006.)

DOBIS

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 247

Representative Ruppel called down Engrossed Senate Bill 247 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 247-2)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 9, between lines 29 and 30, begin a new paragraph and insert: "SECTION 5. IC 8-3-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

#### Chapter 23. Local Rail Safety

Sec. 1. Not later than January 15 of each year, a rail operator shall submit a risk assessment of the rail operator's facilities to the department of homeland security and the department of transportation. A risk assessment submitted under this section must include the following:

(1) A description of the facilities of the rail operator and the functions of the facilities.

(2) The types of cargo transported through the facilities during the immediately preceding calendar year, including the approximate quantity of hazardous materials or oil subject to Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations.

(3) The extent to which hazardous materials or oil is stored in the facilities, including the location and approximate quantity of the hazardous material or oil.

(4) The location of a rail facility through or at which hazardous materials or oil is transported or stored, if the rail facility is located within a fifteen (15) mile radius of a

school, a hospital, a nursing home, a utility, or a public safety facility.

(5) The rail operator's security plan, including:

(A) practices of the rail operator designed to prevent acts of sabotage or terrorism or other crimes on rail facilities;

(B) security training provided to the rail operator's employees;

(C) emergency response procedures for acts of sabotage or terrorism or other crimes; and

(D) communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

Sec. 2. (a) Not later than July 15 of each year, a rail operator shall adopt a community protection plan to protect rail facilities and infrastructure from acts of sabotage or terrorism or other crimes.

(b) A community protection plan adopted under subsection (a) must do the following:

(1) Provide for the security of critical rail infrastructure, including points of vulnerability of the rail system through which hazardous materials or oil is transported. Points of vulnerability include rights-of-way, rail yards, bridges, tunnels, and signal systems.

(2) Describe the rail operator's methods for protecting critical infrastructure from acts of sabotage or terrorism or other crimes.

(3) Describe the training provided by the rail operator to the rail operator's employees to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.

(4) Describe the emergency response procedures of the rail operator in dealing with acts of sabotage or terrorism or other crimes.

(5) Describe the communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

(c) This subsection applies to a rail facility through or at which hazardous materials or oil is shipped or stored, if the rail facility is located within a fifteen (15) mile radius of a school, a hospital, a nursing home, a utility, or a public safety facility. In addition to the requirements described in subsection (b), the community protection plan adopted by the rail facility must do the following:

(1) Provide for regular inspection of the rail facility by trained personnel to determine the condition of the facility and its vulnerability to acts of sabotage or terrorism or other crimes.

(2) Provide for storage of hazardous materials or oil in secure facilities. For purposes of this subdivision, a right-of-way is not a secure facility.

(3) Set forth procedures to prevent the running of locomotive equipment while unattended and leaving unattended locomotive equipment unlocked.

(4) Prescribe methods by which the cabs of occupied locomotives may be secured against unauthorized entry.

(5) Provide security for remote control locomotives to prevent unauthorized use.

(6) Limit the use of remote control locomotives to trains that are not transporting or storing hazardous materials or oil.

(d) Not more than fifteen (15) days after adopting a community protection plan, a rail operator shall submit a copy of the rail operator's community protection plan to the department of homeland security and the department of transportation. The department of transportation may modify a community protection plan to comply with this section.

(e) Each day that a rail operator fails to:

(1) adopt a community protection plan as required by this section; or

(2) submit a community protection plan for review under subsection (d);

constitutes a separate violation of this section. The department of transportation may impose a fifty thousand dollar (\$50,000) fine for each violation.

**Sec. 3. (a) A rail operator, including a contractor or subcontractor of the rail operator, may not discharge, discriminate against, or otherwise discipline an employee who reports a violation of this chapter.**

**(b) An employee who is the subject of a violation of this section may seek punitive damages not to exceed one million dollars (\$1,000,000), in addition to other available remedies.**

**Sec. 4. A rail operator, including a contractor or subcontractor of the rail operator, shall provide ongoing training to the rail operator's employees to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.**

**Sec. 5. A rail operator shall conduct background checks of employees of the rail operator and of contractors or subcontractors of the rail operator."**

Page 23, line 27, delete ", at its discretion,".

Page 23, between lines 31 and 32, begin a new line blocked left and insert:

**"However, all personnel file information shall be made available to an affected member or the member's representative."**

Page 23, line 33, after "information" insert **"contained in files described in subsection (a)"**.

Page 24, delete lines 2 through 3.

Page 24, between lines 9 and 10, begin a new paragraph and insert:  
**"SECTION 40. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 8-3-23-2, as added by this act, a rail operator shall adopt a community protection plan as described in IC 8-3-23-2, as added by this act, not later than July 15, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed February 17, 2006.)

TINCHER

Upon request of Representatives Stilwell and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 222: yeas 45, nays 49. Motion failed.

#### HOUSE MOTION (Amendment 247-3)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 13, delete line 31.

Page 13, line 32, delete "(2)" and insert **"(1)"**.

Page 13, line 33, delete "(3)" and insert **"(2)"**.

Page 13, line 34, delete "(4)" and insert **"(3)"**.

Page 13, line 35, delete "(5)" and insert **"(4)"**.

Page 13, line 36, delete "(6)" and insert **"(5)"**.

Page 13, line 37, delete "law".

Page 13, line 38, delete "enforcement agencies, other".

Page 13, line 38, delete ", and private".

Page 13, line 39, delete "organizations".

Page 14, line 3, delete "upon direction by the governor, any other agency or".

Page 14, line 4, delete "organization, including an" and insert **"any"**.

Page 14, line 5, delete ", or a private organization." and insert ".".

Page 14, delete lines 6 through 13.

(Reference is to ESB 247 as printed February 17, 2006.)

DVORAK

Upon request of Representatives Dvorak and Kromkowski, the Speaker ordered the roll of the House to be called. Roll Call 223: yeas 49, nays 45. Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 258

Representative Espich called down Engrossed Senate Bill 258 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 260

Representative Espich called down Engrossed Senate Bill 260 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 260-2)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended

to read as follows:

Page 6, line 34, delete "August 1" and insert **"June 11"**.

Page 7, line 25, delete "August 1" and insert **"June 11"**.

Page 8, line 37, after "with" insert **"**:

**(1)"**.

Page 8, line 37, after "return" insert **", "**.

Page 8, line 37, delete "not more than thirty (30)".

Page 8, delete line 38.

Page 8, line 40, delete "6-1.1-3-7." and insert **"6-1.1-3-7; or**

**(2) an amended personal property tax return; before June 11 of the year preceding the year in which the exemption applies."**

Page 9, line 20, delete "August 1" and insert **"June 11"**.

Page 9, line 27, delete "August 1" and insert **"June 11"**.

Page 10, line 9, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 10, line 10, delete "August 1" and insert **"June 11"**.

Page 11, line 19, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 11, line 20, delete "August 1" and insert **"June 11"**.

Page 12, line 3, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 12, line 3, delete "August 1" and insert **"June 11"**.

Page 13, line 1, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 13, line 2, delete "August 1" and insert **"June 11"**.

Page 13, line 29, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 13, line 29, delete "August" and insert **"June 11"**.

Page 13, line 30, delete "1".

Page 14, line 24, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 14, line 24, delete "August" and insert **"June"**.

Page 14, line 25, delete "1" and insert **"11"**.

Page 15, line 10, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 15, line 10, delete "August 1" and insert **"June 11"**.

Page 16, line 2, delete "August 1" and insert **"June 11"**.

Page 16, line 29, delete "August 1" and insert **"June 11"**.

Page 16, line 32, delete "July 16" and insert **"May 11"**.

Page 17, line 22, delete "August 1" and insert **"June 11"**.

Page 17, line 25, delete "July 1" and insert **"May 11"**.

Page 18, line 12, delete "August 1" and insert **"June 11"**.

Page 18, line 31, delete "August 1" and insert **"June 11"**.

Page 19, line 11, delete "July 1" and insert **"May 11"**.

Page 19, line 12, delete "August" and insert **"June"**.

Page 19, line 13, delete "1" and insert **"11"**.

Page 19, line 14, delete "August 1" and insert **"June 11"**.

Page 19, line 25, delete "August 1" and insert **"June 11"**.

Page 19, line 39, delete "July 1" and insert **"May 11"**.

Page 19, line 41, delete "August 1" and insert **"June 11"**.

Page 20, line 1, delete "August 1" and insert **"June 11"**.

Page 20, line 25, delete "August 1" and insert **"June 11"**.

Page 27, line 1, delete "August 1" and insert **"June 11"**.

Page 27, line 4, delete "July 1" and insert **"May 11"**.

Page 27, line 38, delete "August 1" and insert **"June 11"**.

Page 29, line 23, delete "August 1" and insert **"June 11"**.

Page 33, line 19, delete "twelve (12)" and insert **"thirteen (13)"**.

Page 33, line 19, delete "May 11" and insert **"June 11"**.

Page 55, line 2, delete "August 1" and insert **"June 11"**.

Page 58, line 8, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 58, line 9, delete "August 1" and insert **"June 11"**.

Page 68, line 31, delete "August 1" and insert **"June 11"**.

Page 68, line 34, delete "July 1" and insert **"May 11"**.

Page 69, line 28, delete "August 1" and insert **"June 11"**.

(Reference is to ESB 260 as printed February 17, 2006.)

WELCH

Motion prevailed.

#### HOUSE MOTION (Amendment 260-6)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 44, between lines 25 and 26, begin a new paragraph and insert:

**"SECTION 40. IC 6-1.1-18-12, AS AMENDED BY P.L.1-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:**



(1) property tax rate or rates; or  
 (2) special benefits tax rate or rates;  
 referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

- (1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and
- (2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

- (1) IC 8-10-5-17;
- (2) IC 8-22-3-11;
- (3) IC 8-22-3-25;
- (4) IC 12-29-1-1;
- (5) IC 12-29-1-2;
- (6) IC 12-29-1-3;
- (7) IC 12-29-3-6;
- (8) IC 13-21-3-12;
- (9) IC 13-21-3-15;
- (10) IC 14-27-6-30;
- (11) IC 14-33-7-3;
- (12) IC 14-33-21-5;
- (13) IC 15-1-6-2;
- (14) IC 15-1-8-1;
- (15) IC 15-1-8-2;
- (16) IC 16-20-2-18;
- (17) IC 16-20-4-27;
- (18) IC 16-20-7-2;
- (19) IC 16-22-14;**
- ~~(19)~~ **(20)** IC 16-23-1-29;
- ~~(20)~~ **(21)** IC 16-23-3-6;
- ~~(21)~~ **(22)** IC 16-23-4-2;
- ~~(22)~~ **(23)** IC 16-23-5-6;
- ~~(23)~~ **(24)** IC 16-23-7-2;
- ~~(24)~~ **(25)** IC 16-23-8-2;
- ~~(25)~~ **(26)** IC 16-23-9-2;
- ~~(26)~~ **(27)** IC 16-41-15-5;
- ~~(27)~~ **(28)** IC 16-41-33-4;
- ~~(28)~~ **(29)** IC 20-26-8-4;
- ~~(29)~~ **(30)** IC 21-1-11-3;
- ~~(30)~~ **(31)** IC 21-2-17-2;
- ~~(31)~~ **(32)** IC 23-13-17-1;
- ~~(32)~~ **(33)** IC 23-14-66-2;
- ~~(33)~~ **(34)** IC 23-14-67-3;
- ~~(34)~~ **(35)** IC 36-7-13-4;
- ~~(35)~~ **(36)** IC 36-7-14-28;
- ~~(36)~~ **(37)** IC 36-7-15.1-16;
- ~~(37)~~ **(38)** IC 36-8-19-8.5;
- ~~(43)~~ ~~(38)~~ **(39)** IC 36-9-6.1-2;
- ~~(44)~~ ~~(39)~~ **(40)** IC 36-9-17.5-4;
- ~~(45)~~ ~~(40)~~ **(41)** IC 36-9-27-73;
- ~~(46)~~ ~~(41)~~ **(42)** IC 36-9-29-31;
- ~~(47)~~ ~~(42)~~ **(43)** IC 36-9-29.1-15;
- ~~(48)~~ ~~(43)~~ **(44)** IC 36-10-6-2;
- ~~(49)~~ ~~(44)~~ **(45)** IC 36-10-7-7;
- ~~(50)~~ ~~(45)~~ **(46)** IC 36-10-7-8;
- ~~(51)~~ ~~(46)~~ **(47)** IC 36-10-7.5-19;
- ~~(47)~~ **(48)** IC 36-10-13-5;
- ~~(48)~~ **(49)** IC 36-10-13-7;
- ~~(49)~~ **(50)** IC 36-12-7-7;
- ~~(50)~~ **(51)** IC 36-12-7-8;
- ~~(51)~~ **(52)** IC 36-12-12-10; and
- ~~(52)~~ **(53)** any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

- (i) property taxes; or
- (ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d)."

Page 73, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 60. IC 16-22-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

#### **Chapter 14. Levy for Emergency Medical Services**

**Sec. 1.** As used in this chapter, "qualified expenses" means expenses incurred by a county hospital to provide emergency medical services (as defined in IC 16-18-2-110).

**Sec. 2.** The governing board of a county hospital may request support from the county for qualified expenses, either by:

(1) appropriation from the county general fund; or

(2) a separate tax levy;

by filing with the county executive on or before August 1 a written budget of the amount estimated to be required to fund qualified expenses for the ensuing year.

**Sec. 3.** Subject to sections 4 and 5 of this chapter, a county may establish a separate property tax levy for a county hospital to compensate the county hospital for the county hospital's qualified expenses.

**Sec. 4.** The property tax rate imposed under this chapter may not exceed the lesser of the following:

(1) Six cents (\$0.06) on each one hundred dollars (\$100) of assessed valuation.

(2) The property tax rate that is necessary to generate tax revenues in an amount equal to the county hospital's qualified expenses in the ensuing year, as estimated in the governing body's budget request under section 2 of this chapter.

**Sec. 5.** Property taxes imposed under this chapter are subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

**Sec. 6.** The amount levied under this chapter is in addition to any other amount levied for a county hospital.

**Sec. 7.** An amount levied under this chapter:

(1) must be appropriated as other county funds are appropriated; and

(2) may be used only for qualified expenses."

Page 103, between lines 9 and 10, begin a new line block indented and insert:

"(20) IC 16-22-14."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

FOLEY

Motion prevailed.

HOUSE MOTION  
(Amendment 260-4)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 16, between lines 19 through 20, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-12-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If the assessed value of residential real property described in subsection (d) is increased because ~~it the property~~ has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

- (1) the total increase in assessed value resulting from the rehabilitation; or
- (2) eighteen thousand seven hundred twenty dollars (\$18,720) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period.

(b) For purposes of this section, the term "rehabilitation" means ~~significant~~ repairs, replacements, ~~remodelings, additions, or other~~ improvements to an existing structure ~~which are intended to that~~ increase the ~~livability, utility, safety, or value of the property. under rules adopted by the department of local government finance.~~

(c) For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

(d) The deduction provided by this section applies only for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:

- (1) a single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed thirty-seven thousand four hundred forty dollars (\$37,440);
- (2) a two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed forty-nine thousand nine hundred twenty dollars (\$49,920); and
- (3) a dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand seven hundred twenty dollars (\$18,720) per dwelling unit.

(e) ~~If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:~~

- (1) a general reassessment of real property under IC 6-1.1-4-4; or
- (2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

~~the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 20(e) of this chapter.~~

SECTION 22. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) ~~Except as provided in subsection (b), the deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue continues for each of the immediately following four (4) years in the sixth (6th) year; the county auditor shall add the amount of the deduction to the assessed value of the real property; which the property owner remains the owner of the property as of the assessment date.~~

(b) Subject to subsection (c), a property owner may:

- (1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:
  - (A) would otherwise first apply for the assessment date in 2006 or a later year; and
  - (B) was not made to the assessed value for any year; or
- (2) obtain a deduction that:
  - (A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and
  - (B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) A general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the deduction."

Page 16, line 28, after "subsection" delete "(b)," and insert "(b) or (c),".

Page 16, line 33, strike "this section" and insert "subsection (a)".

Page 16, line 34, strike "such a" and insert "the".

Page 16, line 35, strike "township".

Page 16, between lines 35 and 36, begin a new paragraph and insert:

"(c) An application for a deduction referred to in section 19(b) of this chapter with respect to an assessment date must be filed before the August 1 that next follows the assessment date."

Page 16, line 36, strike "(c)" and insert "(d)".

Page 17, delete lines 6 through 12, begin a new paragraph and insert:

"(e) The application required by this section may contain information to assist the township assessor in making the determination under section 18(e) of this chapter, including:

- (1) fair market value appraisals before and after the rehabilitation; and
- (2) general market data on the extent to which particular types of rehabilitation add to the value of a dwelling.

(f) A deduction application filed under this section is applicable for:

- (1) the year in for which the increase in assessed value occurs ~~deduction application is filed; and for~~
- (2) each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date;

without any additional application being filed.

(g) On verification of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction."

Page 17, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 24. IC 6-1.1-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) If the assessed value of property is increased because ~~it the property~~ has been rehabilitated and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation. The owner is entitled to this deduction annually for a five (5) year period. However, the maximum deduction which a property owner may receive under this section for a particular year is:

- (1) one hundred twenty-four thousand eight hundred dollars (\$124,800) for a single family dwelling unit; or
- (2) three hundred thousand dollars (\$300,000) for any other type of property.

(b) For purposes of this section, the term "property" means a building or structure which was erected at least fifty (50) years before the date of application for the deduction provided by this section. The term "property" does not include land.

(c) For purposes of this section, the term "rehabilitation" means

significant repairs, replacements, remodelings, additions, or other improvements to an existing structure that are intended to increase the livability, utility, safety, or value of the property. under rules adopted by the department of local government finance:

(d) If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 24(e) of this chapter.

SECTION 25. IC 6-1.1-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the deduction from assessed value provided by section 22 of this chapter is first available after the first assessment date following in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue continues for the taxes first due and payable in each of the immediately following five (5) four (4) years in the sixth (6th) year; the county auditor shall add the amount of the deduction to the assessed value of the property: which the property owner remains the owner of the property as of the assessment date.

(b) Subject to subsection (c), a property owner may:

(1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:

(A) would otherwise first apply for the assessment date in 2006 or a later year; and

(B) was not made to the assessed value for any year; or

(2) obtain a deduction that:

(A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and

(B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) Any general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the deduction."

Page 17, line 21, after "subsection" delete "(b)," and insert "(b) or (c),".

Page 17, line 22, strike "valuation" and insert "value".

Page 17, line 24, strike "valuation" and insert "value".

Page 17, line 26, strike "this section" and insert "subsection (a)".

Page 17, line 28, strike "township".

Page 17, delete lines 29 through 42, begin a new paragraph and insert:

"(c) An application for a deduction referred to in section 23(b) of this chapter with respect to an assessment date must be filed before the August 1 that next follows the assessment date.

(c) (d) The application required by this section shall contain the following information:

(1) The name of the property owner.

(2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.

(3) The assessed value of the improvements on the property before rehabilitation.

(4) The increase in the assessed value of improvements resulting from the rehabilitation. and

(5) The amount of deduction claimed.

(e) The application required by this section may contain information to assist the township assessor in making the determination under section 22(d) of this chapter, including:

(1) fair market value appraisals before and after the rehabilitation; and

(2) general market data on the extent to which particular types of rehabilitation add to the value of property.

(d) (f) A deduction application filed under this section is applicable for:

(1) the year in for which the addition to assessed value is made deduction application is filed; and in

(2) each of the immediate immediately following four (4) years in which the property owner remains the property owner as of the assessment date;

without any additional application being filed.

(c) (g) On verification of the correctness of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction."

Page 18, delete lines 1 through 3.

Page 18, between lines 3 and 4, begin a new paragraph and insert: "SECTION 27. IC 6-1.1-12-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. For repairs or improvements made to a particular building or structure, a person may receive: either

(1) the deduction provided by section 18 of this chapter; or

(2) the deduction provided by section 22 of this chapter; He or

(3) the credit provided by IC 6-1.1-47.

The person may not receive deductions a tax benefit under both sections more than one (1) of the statutes referred to in subdivisions (1) through (3) for the repairs or improvements."

Page 29, after line 42, begin a new paragraph and insert:

"SECTION 34. IC 6-1.1-12.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if he the owner receives:

(1) a deduction under either IC 6-1.1-12-18 or IC 6-1.1-12-22; or

(2) a credit under IC 6-1.1-47;

for those same repairs or improvements.

(b) A property owner may not receive a deduction under this chapter if the property owner receives a deduction under IC 6-1.1-12-28.5 for the same property."

Page 40, line 5, after ";", begin a new line block indented and insert:

"(6) information concerning credits applicable under IC 6-1.1-21-5.8 to taxes first due and payable in the next calendar year;"

Page 40, line 6, delete "(6)" and insert "(7)".

Page 41, between lines 13 and 14, begin a new a paragraph and insert:

"(h) The officers of a political subdivision shall adjust the assessed value used in setting rates for the taxes first due and payable in a calendar year in which credits apply under IC 6-1.1-21-5.8 to eliminate or minimize levy reductions that would otherwise result from the application of those credits."

Page 59, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 53. IC 6-1.1-21-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.8. (a) The following definitions apply throughout this section:

(1) "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

(2) "Assets":

(A) includes:

(i) real property, other than the homestead with respect to which a qualifying individual applies for a credit under this section;

(ii) cash;

(iii) savings accounts;

(iv) stocks;

(v) bonds; and

(vi) any other investment; and

(B) does not include:

(i) the cash value of life insurance policies on the life of the qualifying individual or the qualifying individual's spouse; and

(ii) tangible personal property.

(3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.  
 (4) "Homestead" has the meaning set forth in IC 6-1.1-20.9-1(2).

(5) "Household income" means the combined adjusted gross income of the qualifying individual and the qualifying individual's spouse.

(6) "Net property tax bill" means the amount of property taxes currently due and payable in a particular calendar year after the application of all deductions and credits, except for the credit provided by this section, as evidenced by the tax statement required under IC 6-1.1-22-8.

(7) "Net worth" means the remainder of:

(A) the sum of the current market value of all assets; minus

(B) all outstanding liabilities.

(8) "Qualifying homestead" means a homestead:

(A) that a qualifying individual owned; or

(B) on which a qualifying individual assumed liability for the payment of property taxes;

at least five (5) years before the assessment date for the homestead in the year for which the qualifying individual wishes to obtain the credit under this section and that has an assessed value of not more than one hundred eighty thousand dollars (\$180,000) as of the assessment date for the homestead in the year that immediately precedes the year for which the qualifying individual wishes to obtain the credit under this section multiplied by a fraction determined by the department of local government finance for the county in which the homestead is located. The numerator of the fraction is the average homestead assessed value in the county in which the homestead is located in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section and the denominator of the fraction is the average homestead assessed value in Marion County in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section.

(9) "Qualifying individual" means an individual:

(A) who is liable for the payment of property taxes on a qualifying homestead;

(B) whose adjusted gross income for the individual's most recent taxable year that ends before the date on which the statement is filed under subsection (e) is less than seventy-five thousand dollars (\$75,000); and

(C) who is not married and has a net worth, or has a net worth in combination with the net worth of the individual's spouse, of less than two hundred thousand dollars (\$200,000) as of December 31 of:

(i) with respect to real property, the year that precedes by two (2) years the year for which the individual wishes to obtain the credit under this section; and

(ii) with respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the year that immediately precedes the year for which the individual wishes to obtain the credit under this section.

(10) "Taxable year" has the meaning set forth in IC 6-3-1-16.

(b) The credit provided by this section applies in a county for property taxes first due and payable in a calendar year only if the fiscal body of the county adopts an ordinance to apply the credit before July 1 of the immediately preceding calendar year. An ordinance adopted under this subsection may authorize the credit for more than one (1) year.

(c) Except as provided in subsection (d), each year, a qualifying individual in a county in which the credit provided by this section is authorized under subsection (b) may receive a credit against the net property tax bill on the individual's qualifying homestead. The amount of the credit to which a qualifying individual is entitled equals the lesser of two thousand dollars (\$2,000) or the remainder of:

(1) the amount of the net property tax bill without the application of the credit provided by this section; minus

(2) the following percentage of the qualifying individual's

adjusted gross income for the qualifying individual's most recent taxable year that ends before the date on which the statement is filed under subsection (e):

(A) Five percent (5%) if the adjusted gross income is less than twenty thousand dollars (\$20,000).

(B) Seven percent (7%) if the adjusted gross income is at least twenty thousand dollars (\$20,000) but less than fifty thousand dollars (\$50,000).

(C) Nine percent (9%) if the adjusted gross income is at least fifty thousand dollars (\$50,000) but less than seventy-five thousand dollars (\$75,000).

(d) If the qualifying individual resides in the qualifying homestead with the qualifying individual's spouse, those individuals are together entitled to one (1) credit under this section for the qualifying homestead. The amount of the credit is determined under subsection (c), except that the household income is substituted for the qualifying individual's adjusted gross income.

(e) A qualifying individual or a qualifying individual and the qualifying individual's spouse who desire to claim the credit provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the qualifying homestead is located. With respect to real property, the statement must be filed after January 1 and before August 1 of the year before the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. For a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed after January 1 and before March 2 of the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. The statement must contain the following information:

(1) The full name or names and complete address of the qualifying individual or the qualifying individual and the qualifying individual's spouse.

(2) A description of the qualifying homestead.

(3) The amount of:

(A) the qualifying individual's adjusted gross income referred to in subsection (c)(2); or

(B) if subsection (d) applies, the household income referred to in subsection (d) of the qualifying individual and the qualifying individual's spouse.

(4) The name of any other county and township in which the qualifying individual or the qualifying individual's spouse owns or is buying on contract:

(A) real property; or

(B) a:

(i) mobile home; or

(ii) manufactured home;

that is not assessed as real property.

(5) The record number and page where the contract or memorandum of the contract is recorded if the qualifying homestead is under contract purchase.

(6) Proof of net worth as of the date specified in subsection (a)(9)(C):

(A) in a form determined by the department of local government finance; and

(B) including:

(i) income tax returns or other evidence detailing gross income; and

(ii) other documentation as determined by the department of local government finance.

(7) Any other information required by the department of local government finance.

(f) The auditor of a county with whom a statement is filed under subsection (e) shall immediately prepare and transmit a copy of the statement to the auditor of any other county if the qualifying individual who claims the credit or the qualifying individual's spouse owns or is buying property located in the other county as described in subsection (e)(4). The auditor of the other county described in subsection (e)(4) shall note on the copy of the statement whether a credit has been claimed under this

section for a qualifying homestead located in the auditor's county. The auditor shall then return the copy to the auditor of the first county.

(g) Subject to subsection (h), if a proper certified credit statement is filed under subsection (e), the county auditor shall allow the credit and shall apply the credit equally against each installment of property taxes. The county auditor shall include the amount of the credit applied against each installment of property taxes on the tax statement required under IC 6-1.1-22-8.

(h) If the qualifying homestead qualifies for the credit under IC 6-1.1-20.6 and a statement to claim the credit under this section is filed under subsection (e), the county auditor shall:

(1) determine from the individual who filed the statement whether the individual elects to have applied:

(A) the credit under this section; or

(B) the credit under IC 6-1.1-20.6; and

(2) apply only the credit elected by that individual as determined under subdivision (1).

(i) If an individual knowingly or intentionally files a false statement under this section, the individual must pay the amount of any credit the individual received because of the false statement, plus interest at the rate of ten percent (10%) per year, to the county auditor for distribution to the taxing units of the county in the same proportion that property taxes are distributed.

SECTION 54. IC 6-1.1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Notwithstanding IC 6-1.1-26, any taxpayer who is entitled to a credit under this chapter or who has properly filed for and is entitled to a credit under IC 6-1.1-20.9, and who, without taking the credit, pays in full the taxes to which the credit applies, is entitled to a refund, without interest, of an amount equal to the amount of the credit. However, if the taxpayer, at the time a refund is claimed, owes any other taxes, interest, or penalties payable to the county treasurer to whom the taxes subject to the credit were paid, then the credit shall be first applied in full or partial payment of the other taxes, interest, and penalties and the balance, if any, remaining after that application is available as a refund to the taxpayer.

(b) Any taxpayer entitled to a refund under this section **other than a refund based on the credit under section 5.8 of this chapter** shall be paid that refund from proceeds of the property tax replacement fund. However, with respect to any refund attributable to a homestead credit, the refund shall be paid from that fund only to the extent that the percentage homestead credit the taxpayer was entitled to receive for a year does not exceed the percentage credit allowed in IC 6-1.1-20.9-2(d) for that same year. Any refund in excess of that amount shall be paid from the county's revenue distributions received under IC 6-3.5-6.

(c) The state board of accounts shall establish an appropriate procedure to simplify and expedite the method for claiming these refunds and for the payments thereof, as provided for in this section, which procedure is the exclusive procedure for the processing of the refunds. The procedure shall, however, require the filing of claims for the refunds by not later than June 1 of the year following the payment of the taxes to which the credit applied."

Page 68, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 60. IC 6-1.1-42-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) The designating body shall determine whether to approve a deduction.

(b) A designating body may not grant a deduction for a facility described in IC 6-1.1-12.1-3(e).

(c) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if the owner receives:

(1) a deduction under ~~either~~ IC 6-1.1-12.1, IC 6-1.1-12-18, IC 6-1.1-12-22, or IC 6-1.1-12-28.5; or

(2) a credit under IC 6-1.1-47;

for the same property.

(d) A designating body may approve a deduction only if the following findings are made in the affirmative:

(1) The applicant:

(A) has never had an ownership interest in an entity that

contributed; and

(B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

(2) The proposed improvement or property will be located in a zone.

(3) The estimate of the value of the remediation and redevelopment is reasonable for projects of that nature.

(4) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(5) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(6) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described remediation and redevelopment.

(7) The totality of benefits is sufficient to justify the deduction."

Page 70, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 63. IC 6-1.1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

#### **Chapter 47. Historic Rehabilitation Property Tax Credit**

**Sec. 1. The definitions in IC 6-3.1-16 and IC 6-3.1-22 apply throughout this section.**

**Sec. 2. (a) A county fiscal body may adopt an ordinance to authorize the application of the credit under this chapter against an owner's property tax liability that is attributable to increases in assessed valuation of the owner's historic property resulting from the rehabilitation of the historic property.**

**(b) An ordinance adopted under this section must specify the first assessment date for which an increase in the assessed valuation of an historic property resulting from rehabilitation becomes eligible for a credit under this chapter.**

**Sec. 3. An ordinance adopted under section 2 of this chapter authorizes the credit for:**

**(1) the first calendar year that the owner's property tax liability is determined using an increase in the historic property's assessed valuation resulting from the rehabilitation of the historic property; and**

**(2) the four (4) succeeding calendar years during the five (5) year period referred to in section 5 of this chapter.**

**Sec. 4. Subject to section 11 of this chapter and IC 6-1.1-12-25, if:**

**(1) the assessed valuation of historic property is increased:**

**(A) as a result of rehabilitation; and**

**(B) as of an assessment date to which an ordinance adopted under section 2 of this chapter applies; and**

**(2) the owner is eligible for a historic rehabilitation credit under IC 6-3.1-16 or IC 6-3.1-22 against the owner's state tax liability based on the rehabilitation;**

**the owner is entitled to a credit against the owner's property tax liability attributable to the property. The amount of the credit to which the owner is entitled is determined under section 5 of this chapter.**

**Sec. 5. (a) Subject to subsection (b), the amount of the credit equals one hundred percent (100%) of the owner's property tax liability that is attributable to the increase in assessed valuation resulting from the rehabilitation. The owner is entitled to this credit annually for a five (5) year period. The first year of that period is the first year that the rehabilitation results in an increase in the owner's property tax liability attributable to the historic property. If the rehabilitation results in increases in the property tax liability attributable to the historic property in more than one (1) year, each annual increase may qualify separately for the credit.**

**(b) If:**

(1) a general reassessment of real property under IC 6-1.1-4-4 or an adjustment under IC 6-1.1-4-4.5 occurs within the period of the credit; or  
 (2) an appeal of an assessment is approved that results in a change in the assessed valuation of the historic property;  
 the amount of the credit shall be adjusted to reflect the resulting percentage increase or decrease in the assessed valuation of the historic property and its corresponding effect on the property tax liability attributable to the historic property.

**Sec. 6.** The credit reduces the amount of historic rehabilitation credit to which the owner is entitled under IC 6-3.1-16-7 or IC 6-3.1-22-8.

**Sec. 7.** A property owner who desires to obtain the credit must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement must be filed during the twelve (12) months before August 1 of the year prior to the first year for which the person wishes to obtain the credit for the historic property.

**Sec. 8.** The application required by section 7 of this chapter must contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a credit is claimed in sufficient detail to afford identification.
- (3) The certifications required:
  - (A) under IC 6-3.1-16-8 to obtain the credit under IC 6-3.1-16; or
  - (B) under IC 6-3.1-22-9 to obtain the credit under IC 6-3.1-22.
- (4) A description of the rehabilitation of the historic property.
- (5) Evidence of the cost of the rehabilitation of the historic property.
- (6) The assessed valuation of the improvements on the historic property before the rehabilitation.
- (7) The increase in the assessed valuation of improvements resulting from the rehabilitation.

**Sec. 9.** A credit application filed under section 7 of this chapter applies for the entire period described in section 5 of this chapter for which the owner is entitled to a credit under this chapter without a requirement for any additional application.

**Sec. 10.** On verification of the correctness of an application under section 7 of this chapter by the assessor of the township in which the property is located, the county auditor shall make the credit in the amount determined under section 5 of this chapter.

**Sec. 11.** If the conditions for the recapture of a credit under IC 6-3.1-16-12 or IC 6-3.1-22-13 are met, the property owner shall pay to the county treasurer for each year the credit was in effect the amount of additional property taxes for which the property owner would have been liable if the credit had not been in effect. The county treasurer shall distribute money paid under this section proportionately to the general fund of each taxing unit in which the property that was subject to the credit is located based on the property tax rates of the units.

**Sec. 12.** The department of local government finance may adopt rules under IC 4-22-2 to implement this section."

Page 72, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 68. IC 6-3.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) Except as provided in subsection (d), the amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

- (1) the taxpayer makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the division.

(c) In the case of a husband and wife who:

- (1) own and rehabilitate a historic property jointly; and
- (2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.

SECTION 69. IC 6-3.1-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

- (1) the certifications by the division required under section 8 of this chapter;
- (2) a statement as to whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;
- (3) if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and
- (4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter.

SECTION 70. IC 6-3.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 9 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

- (1) the taxpayer makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the division.

(c) In the case of a husband and wife who:

- (1) own and rehabilitate a historic property jointly; and
- (2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.

SECTION 71. IC 6-3.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

- (1) the certifications by the division required under section 9 of this chapter;
- (2) a statement whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;
- (3) if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and
- (4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter."

Page 103, between lines 8 and 9, begin a new line block indented and insert:

"(19) IC 6-1.1-21-5.8."

Page 103, line 9, delete "(19)" and insert "(20)".

Page 107, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 86. [EFFECTIVE JULY 1, 2006] (a) IC 6-1.1-47, as added by this act, and IC 6-1.1-12-18, IC 6-1.1-12-22, and IC 6-1.1-12-25, all as amended by this act, apply only to property taxes first due and payable after December 31, 2006.

(b) The credit under IC 6-1.1-47, as added by this act, applies regardless of whether the rehabilitation for which the deduction is claimed occurred before July 1, 2006.

SECTION 87. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in:

(A) IC 6-1.1-12-18(b), as amended by this act; and

(B) IC 6-1.1-12-22(c), as amended by this act.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a deduction:

(1) under:

(A) IC 6-1.1-12-19(b)(2), as amended by this act; or

(B) IC 6-1.1-12-23(b)(2), as amended by this act; or

(2) first applicable to the assessment date in 2006 under:

(A) IC 6-1.1-12-20, as amended by this act; or

(B) IC 6-1.1-12-24, as amended by this act;

based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007.

SECTION 88. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in IC 6-3.1-22-5.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a credit under IC 6-1.1-47, as added by this act, first applicable to the assessment date in 2006 based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

ORENTLICHER

Motion failed.

#### HOUSE MOTION

(Amendment 260-5)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 52, between lines 25 and 26, begin a new paragraph and insert:

"(13) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township:

(1) needs the increase to pay the costs of providing emergency medical services by paramedics in the township;

(2) has a population of more than seven thousand twenty-five (7,025) but less than seven thousand five hundred (7,500); and

(3) is located in a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

WOLKINS

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 260 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

#### HOUSE MOTION

(Amendment 260-3)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 59, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 47. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and



special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

- (1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:
  - (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
  - (B) the ~~percentage~~ change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year. **The county treasurer may provide the percentage change in the total amount of the taxpayer's liability from the previous year to the current year.**
- (4) An explanation of the following:
  - (A) The homestead credit and all property tax deductions.
  - (B) The procedure and deadline for filing for the homestead credit and each deduction.
  - (C) The procedure that a taxpayer must follow to:
    - (i) appeal a current assessment; or
    - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
  - (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

- (5) A checklist that shows:
  - (A) the homestead credit and all property tax deductions; and
  - (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).
- (f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.
- (g) A county that incurs:
  - (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
  - (2) printing costs directly related to mailing information under subsection (e);
 shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

AVERY

After discussion, Representative Avery withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 269

Representative Duncan called down Engrossed Senate Bill 269 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 269-1)

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 2, after line 37, begin a new paragraph and insert:

"SECTION 6. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than six (6) months before the expiration date of the license or identification card held by the applicant.

**(b) If the holder of a driver's license or a learner's permit has not renewed the driver's license or the learner's permit, the bureau shall provide notice of the expiration date of the driver's license or learner's permit to the holder of the driver's license or learner's permit. Notice under this subsection must be made:**

- (1) by first class mail to the holder's last address registered with the bureau; and**
- (2) not:**
  - (A) more than sixty (60) days; and**
  - (B) less than thirty (30) days;**

**before the expiration date."**

(Reference is to ESB 269 as printed February 17, 2006.)

PIERCE

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Pierce's amendment (269-1) is not germane to Engrossed Senate Bill 269.

Amendment 1 is germane to Engrossed Senate Bill 269 because both measures concern the bureau of motor vehicles.

PELATH  
PIERCE

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 224: yeas 49, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 283

Representative Bischoff called down Engrossed Senate Bill 283 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 283-1)

Mr. Speaker: I move that Engrossed Senate Bill 283 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "exchange access facility" means the access from a particular service user's premises to ~~a~~ **an enhanced emergency** telephone system **through the use of telephone exchange service (as defined in 47 U.S.C. 153(47)).**

**(b) The term includes all telecommunications equipment (as defined in 47 U.S.C. 153(45)) used to provide telephone exchange service by wire communication (as defined in 47 U.S.C. 153(52)), regardless of whether the equipment is part of a cable system (as defined in 47 U.S.C. 522(7)).**



- (1) an access line;
- (2) a private branch exchange (PBX) trunk; and
- (3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier.

(c) The term does not include:

- (1) a service supplier owned and operated telephone pay station line;
- (2) a wide area telecommunications service (WATS) line;
- (3) a foreign exchange (FX) line; or
- (4) an incoming only line.

SECTION 2. IC 36-8-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this chapter, "service supplier" means a person who provides ~~exchange~~ telephone ~~exchange~~ service (as defined in 47 U.S.C. 153(47)) ~~over the person's exchange access facility~~ to a service user.

(b) As used in this chapter, "service user" means a person to whom ~~exchange~~ telephone ~~exchange~~ service is provided by a service supplier.

SECTION 3. IC 36-8-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) ~~The person A~~ **service user** who uses an exchange access facility ~~to receive telephone exchange service (as defined in 47 U.S.C. 153(47)) from a service supplier~~ is liable for the monthly enhanced emergency telephone system fees, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the unit, collect the fee from those service users to whom it provides ~~exchange~~ telephone ~~exchange~~ service in the unit. The service supplier shall collect the fee, for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the service supplier shall apply the payment against the amount the service user owes the service supplier first.

(b) During January of each year, each service supplier that is required to collect the fee for a particular unit shall provide the treasurer of the county or the fiscal officer of the municipality with a delinquent fee report. In a county having a consolidated city, each service supplier that is required to collect the fee shall provide the delinquent fee report to the fiscal officer of the consolidated city. On the report, the service supplier shall list the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(c) A service supplier has no obligation to take any legal action to enforce the collection of the fees for which any service user is liable. However, an action may be initiated by the unit that imposed the fees.

(d) Notwithstanding section 5 of this chapter, if one (1) enhanced emergency telephone system serves exchange access facilities in more than one (1) county, the fiscal body of the county that provides the system may adopt an ordinance imposing the enhanced emergency telephone system fee on each ~~person~~ **service user** who uses an exchange access facility served by the system. The fee may be imposed under this subsection without regard to whether the service user resides in the county providing the system.

(e) Before an enhanced emergency telephone system fee may be imposed on a service user who resides in a county other than the county providing the system, the fiscal body of the county providing the system must obtain the written approval of the fiscal body of each county in which residents will be subject to the fee. A ~~person~~ **service user** who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fee imposed with respect to the exchange access facility."

Renumber all SECTIONS consecutively.

(Reference is to ESB 283 as printed February 17, 2006.)

RUPPEL

Upon request of Representatives Fry and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 225: yeas 40, nays 54. Motion failed. The bill was ordered engrossed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 49

Representative Buell introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION urging the legislative council to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

*Whereas, The legislature established the pension management oversight commission to serve as the watchdog of the funding and adequacy of public pensions;*

*Whereas, Under IC 2-5-12-2, the pension management oversight commission is charged with determining what constitutes adequate wage replacement levels at retirement (including benefits from public retirement funds and Social Security) for public employees;*

*Whereas, According to a December 2005 Wisconsin Legislative Council study, Indiana's PERF and TRF benefit multiplier is the lowest among all 85 plans surveyed; and*

*Whereas, The General Assembly would like the pension management oversight commission to analyze the comparative retirement benefits programs of Indiana and other state programs: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the legislative council is urged to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 23

Representatives J. Lutz and Crooks introduced House Resolution 23:

A HOUSE RESOLUTION urging the legislative council to assign the issue of renewable energy development to the regulatory flexibility committee.

*Whereas, Expanding the generation and use of renewable energy resources in Indiana has the potential to stimulate investment, boost income for farmers and other landowners, and create high paying manufacturing and service sector jobs;*

*Whereas, The use of renewable energy resources may serve as a hedge against high natural gas prices;*

*Whereas, The generation and use of renewable energy resources in Indiana will improve air quality and water quality, reduce the impact of energy production on Indiana's finite water resources, and improve public health and other aspects of the environment; and*

*Whereas, The generation and use of renewable energy resources in Indiana will enhance Indiana's energy security and independence by diversifying the sources of fuel used to generate electricity for Indiana customers: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign the issue of renewable energy development to the regulatory flexibility committee.

SECTION 2. That, if so ordered, the regulatory flexibility committee shall study the following:

(1) The potential for various renewable energy resources to be used as a fuel source, or to generate electricity, in a manner that is economically and environmentally sound, taking into consideration:

(A) Indiana's natural resources, geographic location, land availability, climate, and topography;

(B) the potential market, both inside and outside Indiana, for any electricity or products produced in connection with a particular renewable energy resource project; and

(C) any other factors the regulatory flexibility committee considers relevant in evaluating the economic and

environmental soundness of a particular renewable energy resource or project.

The committee may study a variety of renewable energy resources, including dedicated crops grown for energy production, organic waste biomass, landfill gases, hydropower, solar photovoltaic cells and panels, fuel cells, wind power, or other similar resources.

(2) Whether to recommend legislation to:

(A) require electricity suppliers to supply a certain percentage of their total electricity supply from renewable energy resources;

(B) provide tax credits or other incentives to encourage investment in the development or expansion of renewable energy resource projects in Indiana; or

(C) provide other requirements or incentives with respect to the generation and use of renewable energy resources in Indiana.

SECTION 3. That the regulatory flexibility committee shall report its findings to the legislative council as directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 24

Representatives Dvorak, Bauer, and Kromkowski introduced House Resolution 24:

A HOUSE RESOLUTION memorializing M. E. "Hank" Denning.

*Whereas, M. E. "Hank" Denning died on December 24, 2005, at the age of 78;*

*Whereas, Mr. Denning was born on the family farm in Jonesville, Michigan, and graduated from Jonesville High School;*

*Whereas, Upon graduation, Mr. Denning enlisted in the United States Army, served in World War II, and was later recalled to active duty to serve in the Korean War; he was discharged in November 1951;*

*Whereas, Mr. Denning attended Tri-State College in Angola, Indiana, graduating in three years;*

*Whereas, On December 29, 1951, he married Margie Anglin of Grand Rapids, Michigan;*

*Whereas, Mr. and Mrs. Denning moved to South Bend, Indiana, in 1958 when he took a position as a mechanical engineer with the Bendix Corporation, a position he held for 25 years;*

*Whereas, During their retirement, Mr. and Mrs. Denning traveled to Ireland, England, Scotland, and Russia and wintered in LaBelle, Florida; and*

*Whereas, The death of M. E. "Hank" Denning has left his family with a large void that can never be completely filled, but they can take comfort knowing that Mr. Denning enjoyed life to the fullest and was truly dedicated to his loving family: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to express its deepest sympathy to the family of M. E. "Hank" Denning in their time of grief.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Denning's wife, Margie, and children, Suzanne, Scott, Laurie, and Julie.

The resolution was read a first time and adopted by voice vote.

### House Resolution 25

Representatives Welch, C. Bottorff, C. Brown, T. Brown, Budak, Dickinson, Grubb, L. Lawson, and Mays introduced House Resolution 25:

A HOUSE RESOLUTION recognizing and supporting Comprehensive Cancer Control and the Indiana Cancer Consortium.

*Whereas, Cancer is the second leading cause of death for adults in Indiana;*

*Whereas, Cancer is the second leading cause of death for children between ages 5 and 14;*

*Whereas, About 13,000 Hoosiers—nearly 36 people per day or almost two people every hour—will die of the disease annually;*

*Whereas, Approximately 2.5 million Hoosiers, two in five, now living will eventually develop cancer;*

*Whereas, Nearly 31,200 Indiana residents are diagnosed with cancer each year;*

*Whereas, Indiana's incidence rate for cancer is 451.4 per 100,000;*

*Whereas, Indiana's 213.7 per 100,000 cancer mortality rate is 5 percent higher than the national average;*

*Whereas, In 2004, the overall cost of cancer in the United States was \$189.8 billion, \$69.4 billion for direct medical costs, \$16.9 billion for lost worker productivity due to illness, and \$103.5 billion for lost worker productivity because of premature death;*

*Whereas, The significant growth of cancer prevention and control programs within health agencies has resulted in the recognition that improved coordination of cancer control activities is essential to maximize resources and reduce the cancer burden in Indiana;*

*Whereas, Comprehensive cancer control (CCC) results in many benefits, including increased efficiency for delivering public health messages and services to the public;*

*Whereas, Cancer plans are the stepping stones for advancing comprehensive cancer control programs;*

*Whereas, The Indiana Cancer Consortium (ICC) is a statewide network of public and private partnerships whose mission is to reduce the cancer burden in Indiana through the development, implementation, and evaluation of a comprehensive cancer control plan that addresses cancer across the continuum from prevention through palliation;*

*Whereas, The ICC is an association of diverse organizations representing health care providers and delivery systems, cancer programs, health insurance plans, employers, public health agencies, professional organizations, minority groups, health profession schools, advocacy groups, research institutions, and wellness organizations;*

*Whereas, The ICC maintains close working relationships with the Indiana State Department of Health and the State Health Commissioner; and*

*Whereas, The ICC, in collaboration with the Indiana State Department of Health, has developed the Indiana Cancer Control Plan 2005-2008, which provides a framework for action in reducing cancer incidence, morbidity, and mortality in Indiana by providing statewide coordination of public and private cancer control efforts that are ongoing or needed within the state: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to recognize, support, and promote Comprehensive Cancer Control and the Indiana Cancer Consortium in its statewide efforts to reduce the burden of cancer on the population of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Governor Mitch Daniels, Victoria Champion, DNS, Indiana Cancer Consortium Co-Chair, and Stephen D. Williams, MD, Indiana Cancer Consortium Steering Committee Chair.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 20

The Speaker handed down Senate Concurrent Resolution 20, sponsored by Representatives Yount, Burton, Messer, and Koch:

A CONCURRENT RESOLUTION to congratulate Tony Stewart on winning the 2005 NASCAR Nextel Cup Series Championship.

*Whereas, Columbus, Indiana native Tony Stewart has a reputation as a fierce competitor driving the #20 Home Depot car in the NASCAR racing series;*

*Whereas, Tony scored his first victory of the season on June 26 in Sonoma, California at the Dodge/Save Mart 350;*

*Whereas, In his most dominating performance of the year, Stewart led all but nine laps of the Pepsi 400 to score his second-straight win. Starting from the pole, he lost the lead only briefly after pit stops, breaking the record of 142 laps led in a race set by Cale Yarborough in 1968;*

*Whereas, From this point on, the Home Depot team seemed to have all the answers and Stewart finished ninth or better in 19 of the final 22 races;*

*Whereas, Despite great success throughout his NASCAR career, Stewart had never won in front of the hometown crowd at the Indianapolis Motor Speedway. In a career-defining moment, Stewart won the Allstate 400 at the Brickyard, a win that propelled him into first place in the 2005 standings, where he remained for 13 of the final 14 weeks;*

*Whereas, In Nextel Cup racing, following the 26<sup>th</sup> race of the season, all drivers in the NASCAR Top 10 and any other drivers within 400 points of the leader earn a berth in the "Chase for the Championship";*

*Whereas, Stewart was on top at the start of the 10-race Chase for the Championship and fell off the leader board just once, when he dropped to fifth after Round 2;*

*Whereas, A conservative approach in the season-ending Ford 400 netted a modest 15<sup>th</sup> place finish and secured the 2005 championship for Stewart, marking his second career NASCAR season championship;*

*Whereas, As a two-time winner, Tony Stewart became a member of a select group of only 14 NASCAR drivers who have won at least two season championships;*

*Whereas, Tony Stewart's hometown of Columbus held a parade to congratulate him on winning the NASCAR series championship and also honored him by declaring December 17<sup>th</sup> "Tony Stewart Day"; and*

*Whereas, From the beginning of his career more than a quarter century ago and continuing to his present role as driver of the #20 Home Depot Chevrolet in the NASCAR NEXTEL Cup Series, Tony Stewart has proven to be a champion every step of the way: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Tony Stewart for his exemplary driving record in the NASCAR Nextel Cup Series Championship and congratulates him on winning his second NASCAR series championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Tony Stewart, his team, and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1023, 1065, 1234, 1286, and 1331 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1006, 1013, 1017, 1025, 1106, 1112, 1113, 1124, 1150, 1232, 1236, 1279, 1287, 1300, 1323,

1327, 1347, 1368, and 1380 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 23, 2006 at 1:30 p.m.

NOE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Cheney be added as cosponsor of House Concurrent Resolution 35.

BUDAK

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 5.

ULMER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative C. Bottorff be removed as cosponsor of Engrossed Senate Bill 24.

MESSER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Engrossed Senate Bill 75.

BORROR

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as cosponsor of Engrossed Senate Bill 77.

HEIM

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Crouch be added as cosponsor of Engrossed Senate Bill 111.

T. BROWN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 145.

DUNCAN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Messer be added as cosponsor of Engrossed Senate Bill 153.

RICHARDSON

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 235.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be removed as sponsor, Representative Behning be substituted as sponsor, and that Representative Noe be added as cosponsor of Engrossed Senate Bill 323.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 345.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Foley, the House adjourned at 7:10 p.m., this twenty-first day of February, 2006, until Thursday, February 23, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives